

ministration, salaries, and expenses of the Administration such sums as may be necessary for fiscal years 2007, 2008, 2009, 2010, and 2011.

(b) Eldercare Locator Service

There are authorized to be appropriated to carry out section 3012(a)(24)¹ of this title (relating to the National Eldercare Locator Service) such sums as may be necessary for fiscal years 2007, 2008, 2009, 2010, and 2011.

(c) Pension counseling and information programs

There are authorized to be appropriated to carry out section 3020e-1 of this title, such sums as may be necessary for fiscal years 2007, 2008, 2009, 2010, and 2011.

(Pub. L. 89-73, title II, §216, formerly §215, as added Pub. L. 102-375, title II, §210, Sept. 30, 1992, 106 Stat. 1215; amended Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990; renumbered §216 and amended Pub. L. 106-501, title II, §§202(4), 205, Nov. 13, 2000, 114 Stat. 2231, 2234; Pub. L. 109-365, title II, §210, Oct. 17, 2006, 120 Stat. 2538.)

REFERENCES IN TEXT

Section 3012(a)(24) of this title, referred to in subsec. (b), does not relate to the National Eldercare Locator Service. Provisions relating to that Service are found elsewhere in section 3012.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-365, §210(1), substituted “2007, 2008, 2009, 2010, and 2011.” for “2001, 2002, 2003, 2004, and 2005”.

Subsec. (b). Pub. L. 109-365, §210(2), substituted “years 2007, 2008, 2009, 2010, and 2011” for “year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years”.

Subsec. (c). Pub. L. 109-365, §210(2), substituted “years 2007, 2008, 2009, 2010, and 2011” for “year 2001 and for each of the 4 succeeding fiscal years”.

2000—Subsec. (a). Pub. L. 106-501, §205(1), in heading, substituted “In general” for “Administration”, and in text, inserted “administration, salaries, and expenses of” after “appropriated for” and substituted “2001, 2002, 2003, 2004, and 2005” for “1992, 1993, 1994, and 1995.”

Subsecs. (b), (c). Pub. L. 106-501, §205(2), added subsecs. (b) and (c) and struck out heading and text of former subsec. (b). Text read as follows: “There are authorized to be appropriated for salaries and expenses of the Administration on Aging—

“(1) \$17,000,000 for fiscal year 1992, \$20,000,000 for fiscal year 1993, \$24,000,000 for fiscal year 1994, and \$29,000,000 for fiscal year 1995; and

“(2) such additional sums as may be necessary for each such fiscal year to enable the Assistant Secretary to provide for not fewer than 300 full-time employees (or the equivalent thereof) in the Administration on Aging.”

1993—Subsec. (b)(2). Pub. L. 103-171 substituted “Assistant Secretary” for “Commissioner”.

SUBCHAPTER III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

PART A—GENERAL PROVISIONS

§ 3021. Purpose and program

(a) Congressional declaration of purpose

(1) It is the purpose of this subchapter to encourage and assist State agencies and area agencies on aging to concentrate resources in order

to develop greater capacity and foster the development and implementation of comprehensive and coordinated systems to serve older individuals by entering into new cooperative arrangements in each State with the persons described in paragraph (2), for the planning, and for the provision of, supportive services, and multipurpose senior centers, in order to—

(A) secure and maintain maximum independence and dignity in a home environment for older individuals capable of self care with appropriate supportive services;

(B) remove individual and social barriers to economic and personal independence for older individuals;

(C) provide a continuum of care for vulnerable older individuals; and

(D) secure the opportunity for older individuals to receive managed in-home and community-based long-term care services.

(2) The persons referred to in paragraph (1) include—

(A) State agencies and area agencies on aging;

(B) other State agencies, including agencies that administer home and community care programs;

(C) Indian tribes, tribal organizations, and Native Hawaiian organizations;

(D) the providers, including voluntary organizations or other private sector organizations, of supportive services, nutrition services, and multipurpose senior centers;

(E) organizations representing or employing older individuals or their families; and

(F) organizations that have experience in providing training, placement, and stipends for volunteers or participants who are older individuals (such as organizations carrying out Federal service programs administered by the Corporation for National and Community Service), in community service settings.

(b) Administration of program

(1) In order to effectively carry out the purpose of this subchapter, the Assistant Secretary shall administer programs under this subchapter through the Administration.

(2) In carrying out the provisions of this subchapter, the Assistant Secretary may request the technical assistance and cooperation of the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Transportation, the Office of Community Services, the Department of Veterans Affairs, the Substance Abuse and Mental Health Services Administration,¹ and such other agencies and departments of the Federal Government as may be appropriate.

(c) Ombudsman program

The Assistant Secretary shall provide technical assistance and training (by contract, grant, or otherwise) to State long-term care ombudsman programs established under section 3027(a)(9) of this title in accordance with section 3058g of this title, and to individuals within such programs designated under section 3058g of this

¹ See References in Text note below.

¹ So in original.

title to be representatives of a long-term care ombudsman, in order to enable such ombudsmen and such representatives to carry out the ombudsman program effectively.

(d) Use of funds

(1) Any funds received under an allotment as described in section 3024(a) of this title, or funds contributed toward the non-Federal share under section 3024(d) of this title, shall be used only for activities and services to benefit older individuals and other individuals as specifically provided for in this subchapter.

(2) No provision of this subchapter shall be construed as prohibiting a State agency or area agency on aging from providing services by using funds from sources not described in paragraph (1).

(Pub. L. 89-73, title III, § 301, as added Pub. L. 95-478, title I, § 103(b), Oct. 18, 1978, 92 Stat. 1516; amended Pub. L. 97-115, § 3(a), (d), Dec. 29, 1981, 95 Stat. 1596, 1597; Pub. L. 98-459, title III, § 301, Oct. 9, 1984, 98 Stat. 1771; Pub. L. 100-175, title I, §§ 104(b), 105(c), 121, 129(a), Nov. 29, 1987, 101 Stat. 929, 930, 933, 934; Pub. L. 100-628, title VII, § 705(3), Nov. 7, 1988, 102 Stat. 3247; Pub. L. 102-54, § 13(q)(9)(B), June 13, 1991, 105 Stat. 281; Pub. L. 102-321, title I, § 163(c)(2)(B), July 10, 1992, 106 Stat. 377; Pub. L. 102-375, title I, § 102(b)(1)(A), title III, § 301, title VII, § 708(a)(2)(B), Sept. 30, 1992, 106 Stat. 1200, 1219, 1292; Pub. L. 103-171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 106-501, title III, § 301, title VIII, § 801(c)(1), Nov. 13, 2000, 114 Stat. 2238, 2292; Pub. L. 109-365, title III, § 301, Oct. 17, 2006, 120 Stat. 2538.)

PRIOR PROVISIONS

A prior section 3021, Pub. L. 89-73, title III, § 301, as added Pub. L. 93-29, title III, § 301, May 3, 1973, 87 Stat. 36, related to the purpose of this subchapter, prior to the general amendment of this subchapter by Pub. L. 95-478.

Another prior section 3021, Pub. L. 89-73, title III, § 301, July 14, 1965, 79 Stat. 220; Pub. L. 90-42, § 2(a), July 1, 1967, 81 Stat. 106; Pub. L. 91-69, § 2(a), Sept. 17, 1969, 83 Stat. 108, related to a description of activities and authorized appropriations for fiscal years ending June 30, 1966, through 1972, prior to repeal by Pub. L. 93-29, title III, § 301, May 3, 1973, 87 Stat. 36.

AMENDMENTS

2006—Subsec. (a)(2)(F). Pub. L. 109-365 added subpar. (F).

2000—Subsec. (c). Pub. L. 106-501, § 801(c)(1), substituted “3027(a)(9)” for “3027(a)(12)”.

Subsec. (d). Pub. L. 106-501, § 301, added subsec. (d).

1993—Subsecs. (b), (c). Pub. L. 103-171 substituted “Assistant Secretary” for “Commissioner” wherever appearing.

1992—Subsec. (a). Pub. L. 102-375, § 301, amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “It is the purpose of this subchapter to encourage and assist State and area agencies to concentrate resources in order to develop greater capacity and foster the development and implementation of comprehensive and coordinated service systems to serve older individuals by entering into new cooperative arrangements in each State with State and area agencies, with Indian tribes, tribal organizations, and Native Hawaiian organizations, and with the providers, including voluntary organizations, of supportive services, including nutrition services and multipurpose senior centers, for the planning, and for the provision of, supportive services, nutrition services, and multipurpose senior centers, in order to—

“(1) secure and maintain maximum independence and dignity in a home environment for older individuals capable of self care with appropriate supportive services;

“(2) remove individual and social barriers to economic and personal independence for older individuals; and

“(3) provide a continuum of care for the vulnerable elderly.”

Subsec. (b)(1). Pub. L. 102-375, § 102(b)(1)(A), substituted “Administration” for “Administration on Aging”.

Subsec. (b)(2). Pub. L. 102-321 substituted “the Substance Abuse and Mental Health Services Administration” for “the Alcohol, Drug Abuse, and Mental Health Administration”.

Subsec. (c). Pub. L. 102-375, § 708(a)(2)(B), substituted “in accordance with section 3058g of this title, and to individuals within such programs designated under section 3058g of this title” for “, and to individuals designated under such section”.

1991—Subsec. (b)(2). Pub. L. 102-54 substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

1988—Subsec. (a). Pub. L. 100-628 substituted “Native Hawaiian organizations,” for “Native Hawaiian organizations,”.

1987—Subsec. (a). Pub. L. 100-175, § 121, inserted “, with Indian tribes, tribal organizations, and Native Hawaiian organizations,” after second reference to “agencies”.

Subsec. (b)(2). Pub. L. 100-175, § 105(c), inserted “the Alcohol, Drug Abuse, and Mental Health Administration,” after “Veterans’ Administration,”.

Pub. L. 100-175, § 104(b), inserted “, the Veterans’ Administration,” after “Office of Community Services”.

Subsec. (c). Pub. L. 100-175, § 129(a), added subsec. (c). 1984—Subsec. (a). Pub. L. 98-459 substituted “area agencies” for “local agencies” in two places, inserted “and implementation”, inserted “, including voluntary organizations,” and struck out “for the provision of” after “planning”.

1981—Subsec. (a). Pub. L. 97-115, § 3(d), substituted “supportive services” for “social services” in two places.

Subsec. (b)(2). Pub. L. 97-115, § 3(a), substituted “cooperation of the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Transportation, the Office of Community Services, and such other agencies and departments” for “cooperation of the Department of Labor, the Community Services Administration, the Department of Housing and Urban Development, the Department of Transportation, and such other agencies and departments”.

EFFECTIVE DATE OF 1992 AMENDMENTS

Amendment by section 708(a)(2)(B) of Pub. L. 102-375 inapplicable with respect to fiscal year 1993, see section 4(b) of Pub. L. 103-171, set out as a note under section 3001 of this title.

Amendment by section 708(a)(2)(B) of Pub. L. 102-375 inapplicable with respect to fiscal year 1992, see section 905(b)(6) of Pub. L. 102-375, set out as a note under section 3001 of this title.

Amendment by Pub. L. 102-321 effective Oct. 1, 1992, see section 801(c) of Pub. L. 102-321, set out as a note under section 836 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, except not applicable with respect to any area plan submitted under section 3026(a) of this title or any State plan submitted under section 3027(a) of this title and approved for any fiscal year beginning before Nov. 29, 1987, see section 701(a), (b) of Pub. L. 100-175, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-459 effective Oct. 9, 1984, see section 803(a) of Pub. L. 98-459, set out as a note under section 3001 of this title.

EFFECTIVE DATE

Part effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95-478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

COORDINATION AND CONSOLIDATION OF SERVICES UNDER CHAPTER

Section 103(a) of Pub. L. 95-478 provided that:

“(1) The Congress finds that—

“(A) approximately 3 percent of the eligible population is presently served under community services programs authorized under the Older Americans Act of 1965 [this chapter], 17 percent of whom are minority group members;

“(B) approximately 1 percent of the eligible population is presently served by the nutrition program authorized under the Older Americans Act of 1965 [this chapter], 21 percent of whom are minority group members;

“(C) there is program fragmentation at the national, State, and local levels which inhibits effective use of existing resources; and

“(D) coordination and consolidation of services provided under the Older Americans Act of 1965 [this chapter] allowing greater local determination to assess the need for services will facilitate achieving the goals of the Older Americans Act of 1965.

“(2) It is the purpose of the amendments made by subsection (b) [amending sections 3021 to 3029 of this title and enacting sections 3030 to 3030g of this title] to combine within a consolidated title, subject to the modifications imposed by the provisions and requirements of the amendments made by subsection (b), the programs authorized by title III, title V, and title VII of the Older Americans Act of 1965 [former subchapters III, V, and VII of this chapter, respectively, as in effect prior to their revision by Pub. L. 95-478] in the fiscal year 1978, and funds appropriated to carry out such consolidated title shall be used solely for the purposes and for the assistance of the same types of programs authorized under the provisions of such titles.”

§ 3022. Definitions

For the purpose of this subchapter—

(1) The term “comprehensive and coordinated system” means a system for providing all necessary supportive services, including nutrition services, in a manner designed to—

(A) facilitate accessibility to, and utilization of, all supportive services and nutrition services provided within the geographic area served by such system by any public or private agency or organization;

(B) develop and make the most efficient use of supportive services and nutrition services in meeting the needs of older individuals;

(C) use available resources efficiently and with a minimum of duplication; and

(D) encourage and assist public and private entities that have unrealized potential for meeting the service needs of older individuals to assist the older individuals on a voluntary basis.

(2) The term “education and training service” means a supportive service designed to assist older individuals to better cope with their economic, health, and personal needs through services such as consumer education, continuing education, health education, pre-retirement education, financial planning, and other education and training services which will advance the objectives of this chapter.

(3) The term “family caregiver” means an adult family member, or another individual,

who is an informal provider of in-home and community care to an older individual or to an individual with Alzheimer’s disease or a related disorder with neurological and organic brain dysfunction.

(4) The term “unit of general purpose local government” means—

(A) a political subdivision of the State whose authority is general and not limited to only one function or combination of related functions; or

(B) an Indian tribal organization.

(Pub. L. 89-73, title III, §302, as added Pub. L. 95-478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1517; amended Pub. L. 97-115, §3(b), (d), Dec. 29, 1981, 95 Stat. 1596, 1597; Pub. L. 98-459, title III, §302, Oct. 9, 1984, 98 Stat. 1771; Pub. L. 100-175, title I, §§136(a)(2), 144(a), 182(b)(2), (e)(1), Nov. 29, 1987, 101 Stat. 943, 948, 964; Pub. L. 102-375, title I, §102(b)(3), title III, §302, Sept. 30, 1992, 106 Stat. 1201, 1220; Pub. L. 103-171, §2(7), Dec. 2, 1993, 107 Stat. 1988; Pub. L. 109-365, title III, §302, Oct. 17, 2006, 120 Stat. 2538.)

PRIOR PROVISIONS

A prior section 3022, Pub. L. 89-73, title III, §302, as added Pub. L. 93-29, title III, §301, May 3, 1973, 87 Stat. 36, Pub. L. 94-135, title I, §103, Nov. 28, 1975, 89 Stat. 713, related to definitions, prior to the general amendment of this subchapter by Pub. L. 95-478.

Another prior section 3022, Pub. L. 89-73, title III, §302, July 14, 1965, 79 Stat. 221; Pub. L. 90-42, §2(b), 5(g), July 1, 1967, 81 Stat. 107, 108; Pub. L. 91-69, §§3(a), 4(d), 6, 10(b), Sept. 17, 1969, 83 Stat. 108, 110, 114, related to allotments to States, providing in subsec. (a) amount of allotments, subsec. (b) reallocations, and subsec. (c) availability for grant percentage payments, and duration of project support, prior to repeal by Pub. L. 93-29, title III, §301, May 3, 1973, 87 Stat. 36.

AMENDMENTS

2006—Pars. (2) to (4). Pub. L. 109-365 added par. (4), redesignated pars. (2), (3), and (4) as pars. (4), (2), and (3), respectively, and moved par. (4) to end of section.

1993—Par. (10). Pub. L. 103-171 struck out par. (10) which defined “multipurpose senior center”.

1992—Par. (1)(D). Pub. L. 102-375, §302, added subpar. (D).

Pars. (2), (3). Pub. L. 102-375, §102(b)(3)(A), (B), redesignated pars. (7) and (8) as (2) and (3), respectively, and struck out former pars. (2) and (3) which defined “information and referral source” and “long-term care facility”, respectively.

Pars. (4) to (6). Pub. L. 102-375, §102(b)(3)(A), struck out pars. (4) to (6) which defined “legal assistance”, “planning and service area”, and “State agency”, respectively.

Pars. (7), (8). Pub. L. 102-375, §102(b)(3)(B), redesignated pars. (7) and (8) as (2) and (3), respectively.

Par. (9). Pub. L. 102-375, §102(b)(3)(A), struck out par. (9) which defined “older individual”.

Par. (11). Pub. L. 102-375, §102(b)(3)(A), struck out par. (11) which defined “focal point”.

Pars. (14) to (21). Pub. L. 102-375, §102(b)(3)(A), struck out pars. (14) to (21) which defined “abuse”, “elder abuse”, “caretaker”, “exploitation”, “neglect”, “physical harm”, “greatest economic need”, and “greatest social need”, respectively.

1987—Par. (6). Pub. L. 100-175, §182(b)(2), redesignated par. (7) as (6) and struck out former par. (6) which read as follows: “The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.”

Pars. (7) to (9). Pub. L. 100-175, §182(b)(2)(B), redesignated pars. (8) to (10) as (7) to (9), respectively. Former par. (7) redesignated (6).

Par. (10). Pub. L. 100-175, §§136(a)(2), 182(b)(2)(B), redesignated par. (11) as (10) and inserted “(including mental health)” after “health”. Former par. (10) redesignated (9).

Par. (11). Pub. L. 100-175, §182(b)(2)(B), redesignated par. (12) as (11). Former par. (11) redesignated (10).

Pars. (12), (13). Pub. L. 100-175, §182(b)(2)(B), which directed the redesignation of pars. (13) and (14) as (12) and (13), respectively, could not be executed because no pars. (13) and (14) had been enacted. A former par. (12) was redesignated (11).

Pars. (14) to (19). Pub. L. 100-175, §§144(a), 182(b)(2)(B), added pars. (15) to (20) and redesignated them as (14) to (19), respectively.

Par. (20). Pub. L. 100-175, §182(b)(2)(B), (e)(1), added par. (20) and redesignated former par. (20) as (19).

Pub. L. 100-175, §144(a), added par. (20).

Par. (21). Pub. L. 100-175, §182(e)(1), added par. (21).

1984—Par. (2)(B). Pub. L. 98-459, §302(1), substituted “employs, where feasible,” for “employs”, and inserted “to assess the needs and capacities of older individuals.”.

Par. (4). Pub. L. 98-459, §302(2), substituted “legal assistance” for “legal services”.

Par. (6). Pub. L. 98-459, §302(3), substituted “, and the Commonwealth of the Northern Mariana Islands” for “and the Northern Mariana Islands”.

Pars. (10) to (12). Pub. L. 98-459, §302(4), added pars. (10) to (12).

1981—Par. (1). Pub. L. 97-115, §3(d), substituted “supportive services” for “social services” in provisions preceding subpar. (A) and in subpars. (A) and (B).

Par. (3). Pub. L. 97-115, §3(b)(1), inserted provision relating to any category of institutions regulated by a State pursuant to provisions of section 1382e(e) of this title (for purposes of section 3027(a)(12) of this title).

Par. (9). Pub. L. 97-115, §3(b)(2), added par. (9).

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, except not applicable with respect to any area plan submitted under section 3026(a) of this title or any State plan submitted under section 3027(a) of this title and approved for any fiscal year beginning before Nov. 29, 1987, see section 701(a), (b) of Pub. L. 100-175, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-459 effective Oct. 9, 1984, see section 803(a) of Pub. L. 98-459, set out as a note under section 3001 of this title.

§ 3023. Authorization of appropriations; uses of funds

(a)(1) There are authorized to be appropriated to carry out part B of this subchapter (relating to supportive services) such sums as may be necessary for fiscal years 2007, 2008, 2009, 2010, and 2011.

(2) Funds appropriated under paragraph (1) shall be available to carry out section 3058g of this title.

(b)(1) There are authorized to be appropriated to carry out subpart I of part C of this subchapter (relating to congregate nutrition services) such sums as may be necessary for fiscal years 2007, 2008, 2009, 2010, and 2011.

(2) There are authorized to be appropriated to carry out subpart II of part C of this subchapter (relating to home delivered nutrition services) such sums as may be necessary for fiscal years 2007, 2008, 2009, 2010, and 2011.

(c) Grants made under part B, and subparts I and II of part C, of this subchapter may be used for paying part of the cost of—

(1) the administration of area plans by area agencies on aging designated under section

3025(a)(2)(A) of this title, including the preparation of area plans on aging consistent with section 3026 of this title and the evaluation of activities carried out under such plans; and

(2) the development of comprehensive and coordinated systems for supportive services, congregate and home delivered nutrition services under subparts I and II of part C of this subchapter, the development and operation of multipurpose senior centers, and the delivery of legal assistance.

(d) There are authorized to be appropriated to carry out part D of this subchapter (relating to disease prevention and health promotion services) such sums as may be necessary for fiscal years 2007, 2008, 2009, 2010, and 2011.

(e)(1) There are authorized to be appropriated to carry out part E of this subchapter (relating to family caregiver support) \$160,000,000 for fiscal year 2007.

(2) There are authorized to be appropriated to carry out part E of this subchapter (relating to family caregiver support) \$166,500,000 for fiscal year 2008, \$173,000,000 for fiscal year 2009, \$180,000,000 for fiscal year 2010, and \$187,000,000 for fiscal year 2011.

(3) Of the funds appropriated under paragraphs (1) and (2), not more than 1 percent of such funds may be reserved to carry out activities described in section 3032(a)(11) of this title.

(Pub. L. 89-73, title III, §303, as added Pub. L. 95-478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1518; amended Pub. L. 97-115, §3(c), (d), Dec. 29, 1981, 95 Stat. 1597; Pub. L. 98-459, title III, §303, Oct. 9, 1984, 98 Stat. 1771; Pub. L. 100-175, title I, §§122(a), (b), 129(c)(1), 140(a), 141(a), 143(a), 144(b), 145, 155(b), Nov. 29, 1987, 101 Stat. 933, 935, 944, 946, 947, 949, 950, 952; Pub. L. 102-375, title III, §§303, 316(b), title VII, §708(c)(3), Sept. 30, 1992, 106 Stat. 1220, 1241, 1293; Pub. L. 106-501, title III, §302, Nov. 13, 2000, 114 Stat. 2238; Pub. L. 109-365, title III, §303, Oct. 17, 2006, 120 Stat. 2538.)

PRIOR PROVISIONS

A prior section 3023, Pub. L. 89-73, title III, §303, as added Pub. L. 93-29, title III, §301 May 3, 1973, 87 Stat. 37; Pub. L. 94-135, title I, §§104(a), (c), (d), 112(b), 114(d), Nov. 28, 1975, 89 Stat. 714, 715, 719, 725, related to area planning and social service programs, prior to the general amendment of this subchapter by Pub. L. 95-478.

Another prior section 3023, Pub. L. 89-73, title III, §303, July 14, 1965, 79 Stat. 222; Pub. L. 91-69, §§3(b), 4(a), Sept. 17, 1969, 83 Stat. 108, related to state plans, providing in subsec. (a) for approval by Secretary, contents, notice and hearing prior to disapproval; subsec. (b) noncompliance and cancellation of payments; and subsec. (c) appeals, petitions, record, jurisdiction of courts of appeals, conclusiveness of findings, review by Supreme Court, and stay of administrative action, prior to repeal by Pub. L. 93-29, title III, §301, May 3, 1973, 87 Stat. 36.

AMENDMENTS

2006—Subsecs. (a)(1), (b)(1), (2), (d). Pub. L. 109-365, §303(1), substituted “years 2007, 2008, 2009, 2010, and 2011” for “year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years”.

Subsec. (e)(1). Pub. L. 109-365, §303(2)(A), substituted “\$160,000,000 for fiscal year 2007” for “\$125,000,000 for fiscal year 2001 if the aggregate amount appropriated under subsection (a)(1) of this section (relating to part B of this subchapter, supportive services), paragraphs (1) (relating to subpart I of part C of this subchapter,

congregate nutrition services) and (2) (relating to subpart II of part C of this subchapter, home delivered nutrition services) of subsection (b) of this section, and (d) (relating to part D of this subchapter, disease prevention and health promotion services) of this section for fiscal year 2001 is not less than the aggregate amount appropriated under subsection (a)(1) of this section, paragraphs (1) and (2) of subsection (b) of this section, and subsection (d) of this section for fiscal year 2000”.

Subsec. (e)(2). Pub. L. 109-365, §303(2)(B), substituted “\$166,500,000 for fiscal year 2008, \$173,000,000 for fiscal year 2009, \$180,000,000 for fiscal year 2010, and \$187,000,000 for fiscal year 2011” for “such sums as may be necessary for each of the 4 succeeding fiscal years”.

Subsec. (e)(3). Pub. L. 109-365, §303(2)(C), substituted “may” for “shall”, “section 3032(a)(11)” for “section 3030s-12”, and “(2), not more than 1 percent” for “(2)—

“(A) 4 percent of such funds shall be reserved to carry out activities described in section 3030s-11 of this title; and

“(B) 1 percent”.

2000—Subsec. (a)(1). Pub. L. 106-501, §302(1), added par. (1) and struck out former par. (1) which read as follows: “There are authorized to be appropriated \$461,376,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, for the purpose of making grants under part B of this subchapter (relating to supportive services and senior centers).”

Subsec. (b). Pub. L. 106-501, §302(2), added subsec. (b) and struck out former subsec. (b) which read as follows: “(b)(1) There are authorized to be appropriated \$505,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, for the purpose of making grants under subpart I of part C of this subchapter (relating to congregate nutrition services).

“(2) There are authorized to be appropriated \$120,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, for the purpose of making grants under subpart II of part C of this subchapter (relating to home delivered nutrition services).

“(3) There are authorized to be appropriated \$15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out subpart III of part C of this subchapter (relating to school-based meals for volunteer older individuals and multigenerational programs).”

Subsecs. (d) to (g). Pub. L. 106-501, §302(3), added subsecs. (d) and (e) and struck out former subsecs. (d) to (g) which authorized appropriations for fiscal years 1992 to 1995 to carry out parts D to G of this subchapter.

1992—Subsec. (a)(1). Pub. L. 102-375, §708(c)(3), struck out “for purposes other than outreach activities and application assistance under section 3027(a)(31) of this title” after “senior centers”).

Pub. L. 102-375, §303(a)(1), substituted “\$461,376,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995” for “\$379,575,000 for the fiscal year 1988, \$398,554,000 for the fiscal year 1989, \$418,481,000 for the fiscal year 1990, and \$439,406,000 for the fiscal year 1991”.

Subsec. (a)(2). Pub. L. 102-375, §303(a)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “Subject to subsection (h) of this section, there are authorized to be appropriated \$20,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991 to carry out section 3027(a)(12) of this title.”

Subsec. (a)(3). Pub. L. 102-375, §303(a)(3), struck out par. (3) which read as follows: “Subject to subsection (h) of this section, there are authorized to be appropriated \$10,000,000 for fiscal year 1989, \$10,000,000 for fiscal year 1990, and such sums as may be necessary for fiscal year 1991 to carry out section 3026(a)(6)(P) of this title. Amounts appropriated under this subsection shall remain available until expended.”

Subsec. (b)(1). Pub. L. 102-375, §303(b)(1), substituted “\$505,000,000 for fiscal year 1992 and such sums as may

be necessary for fiscal years 1993, 1994, and 1995” for “\$414,750,000 for the fiscal year 1988, \$435,488,000 for the fiscal year 1989, \$457,262,000 for the fiscal year 1990, and \$480,125,000 for the fiscal year 1991”.

Subsec. (b)(2). Pub. L. 102-375, §303(b)(2), substituted “\$120,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995” for “\$79,380,000 for the fiscal year 1988, \$83,349,000 for the fiscal year 1989, \$87,516,000 for the fiscal year 1990, and \$91,892,000 for the fiscal year 1991”.

Subsec. (b)(3). Pub. L. 102-375, §303(b)(3), added par. (3).

Subsec. (c). Pub. L. 102-375, §316(b)(1), substituted “part B, and subparts I and II of part C, of this subchapter” for “parts B and C of this subchapter”.

Subsec. (c)(2). Pub. L. 102-375, §316(b)(2), inserted “under subparts I and II of part C of this subchapter” after “nutrition services”.

Subsec. (d). Pub. L. 102-375, §303(c), substituted “\$45,388,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995,” for “\$25,000,000 for fiscal year 1988, \$26,250,000 for fiscal year 1989, \$27,563,000 for fiscal year 1990, and \$28,941,000 for fiscal year 1991”.

Subsec. (e). Pub. L. 102-375, §303(d), substituted “There are authorized to be appropriated such sums as may be necessary for the fiscal years 1992, 1993, 1994, and 1995,” for “Subject to subsection (h) of this section, there are authorized to be appropriated \$25,000,000 for fiscal year 1988, \$25,000,000 for fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990 and 1991”.

Subsec. (f). Pub. L. 102-375, §303(e), substituted “There are authorized to be appropriated \$25,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995,” for “Subject to subsection (h) of this section, there are authorized to be appropriated \$5,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991”.

Subsec. (g). Pub. L. 102-375, §303(f), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: “Subject to subsection (h) of this section, there are authorized to be appropriated \$5,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991, to carry out part G of this subchapter (relating to abuse, neglect, and exploitation of older individuals).”

Subsec. (h). Pub. L. 102-375, §303(g), struck out subsec. (h) which read as follows: “No funds may be appropriated under subsection (a)(2), (a)(3), (e), (f), or (g) of this section for a fiscal year unless the aggregate amount appropriated for such fiscal year to carry out this subchapter (other than sections 3026(a)(6)(P), 3027(a)(12), and 3030a of this title, and parts E, F, and G of this subchapter), subchapter IV of this chapter (other than sections 3035f and 3035g of this title), subchapter IX of this chapter, and subchapter X of this chapter exceeds 105 percent of the aggregate amount appropriated for the preceding fiscal year to carry out such subchapters.”

1987—Subsec. (a). Pub. L. 100-175, §§129(c)(1), 155(b), designated existing provisions as par. (1), inserted “for purposes other than outreach activities and application assistance under section 3027(a)(31) of this title”, and added pars. (2) and (3).

Pub. L. 100-175, §122(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “There are authorized to be appropriated \$350,300,000 for fiscal year 1984, \$325,700,000 for fiscal year 1985, \$343,600,000 for fiscal year 1986, and \$361,500,000 for fiscal year 1987, for the purpose of making grants under part B of this subchapter (relating to supportive services and senior centers).”

Subsec. (b). Pub. L. 100-175, §122(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows:

“(1) There are authorized to be appropriated \$365,300,000 for fiscal year 1984, \$360,800,000 for fiscal year 1985, \$376,500,000 for fiscal year 1986, and \$395,000,000

for fiscal year 1987, for the purpose of making grants under subpart I of part C of this subchapter (relating to congregate nutrition services).

“(2) There are authorized to be appropriated \$68,700,000 for fiscal year 1984, \$69,100,000 for fiscal year 1985, \$72,000,000 for fiscal year 1986, and \$75,600,000 for fiscal year 1987, for the purpose of making grants under subpart II of part C of this subchapter (relating to home delivered nutrition services).”

Subsec. (d). Pub. L. 100-175, § 140(a), added subsec. (d). Subsec. (e). Pub. L. 100-175, § 141(a), added subsec. (e). Subsec. (f). Pub. L. 100-175, § 143(a), added subsec. (f). Subsec. (g). Pub. L. 100-175, § 144(b), added subsec. (g). Subsec. (h). Pub. L. 100-175, § 145, added subsec. (h). 1984—Subsec. (a). Pub. L. 98-459, § 303(a), struck out provisions authorizing appropriations of \$300,000,000 for fiscal year 1979, \$360,000,000 for fiscal year 1980, \$480,000,000 for fiscal year 1981, \$306,000,000 for fiscal year 1982, and \$327,400,000 for fiscal year 1983, and inserted provisions authorizing appropriations of \$325,700,000 for fiscal year 1985, \$343,600,000 for fiscal year 1986, and \$361,500,000 for fiscal year 1987.

Subsec. (b)(1). Pub. L. 98-459, § 303(b)(1), struck out provisions authorizing appropriations of \$350,000,000 for fiscal year 1979, \$375,000,000 for fiscal year 1980, \$400,000,000 for fiscal year 1981, \$319,100,000 for fiscal year 1982, and \$341,400,000 for fiscal year 1983, and inserted provisions authorizing appropriations of \$360,800,000 for fiscal year 1985, \$376,500,000 for fiscal year 1986, and \$395,000,000 for fiscal year 1987.

Subsec. (b)(2). Pub. L. 98-459, § 303(b)(2), struck out provisions authorizing appropriations of \$80,000,000 for fiscal year 1979, \$100,000,000 for fiscal year 1980, \$120,000,000 for fiscal year 1981, \$60,000,000 for fiscal year 1982, and \$64,200,000 for fiscal year 1983, and inserted provisions authorizing appropriations of \$69,100,000 for fiscal year 1985, \$72,000,000 for fiscal year 1986, and \$75,600,000 for fiscal year 1987.

Subsec. (c)(2). Pub. L. 98-459, § 303(c), substituted “legal assistance” for “legal services”.

1981—Subsec. (a). Pub. L. 97-115, § 3(c)(1), inserted provisions authorizing appropriations of \$306,000,000 for fiscal year 1982, \$327,400,000 for fiscal year 1983, and \$350,300,000 for fiscal year 1984, and substituted “(relating to supportive services and senior centers)” for “(relating to social services)”.

Subsec. (b)(1). Pub. L. 97-115, § 3(c)(2), inserted provisions authorizing appropriations of \$319,100,000 for fiscal year 1982, \$341,400,000 for fiscal year 1983, and \$365,300,000 for fiscal year 1984.

Subsec. (b)(2). Pub. L. 97-115, § 3(c)(3), inserted provisions authorizing appropriations of \$60,000,000 for fiscal year 1982, \$64,200,000 for fiscal year 1983, and \$68,700,000 for fiscal year 1984.

Subsec. (c)(2). Pub. L. 97-115, § 3(d), substituted “supportive services” for “social services”.

EFFECTIVE DATE OF 1992 AMENDMENTS

Amendment by sections 303(a)(2), (3) and 708(c)(3) of Pub. L. 103-171 inapplicable with respect to fiscal year 1993, see section 4(b) of Pub. L. 103-171, set out as a note under section 3001 of this title.

Amendment by sections 303(a)(2), (3), (f), 316(b), and 708(c)(3) of Pub. L. 102-375 inapplicable with respect to fiscal year 1992, see section 905(b)(2), (6) of Pub. L. 102-375, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, except not applicable with respect to any area plan submitted under section 3026(a) of this title or any State plan submitted under section 3027(a) of this title and approved for any fiscal year beginning before Nov. 29, 1987, see section 701(a), (b) of Pub. L. 100-175, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-459 effective Oct. 9, 1984, see section 803(a) of Pub. L. 98-459, set out as a note under section 3001 of this title.

§ 3024. Allotment to States

(a) In general

(1) From the sums appropriated under subsections (a) through (d) of section 3023 of this title for each fiscal year, each State shall be allotted an amount which bears the same ratio to such sums as the population of older individuals in such State bears to the population of older individuals in all States.

(2) In determining the amounts allotted to States from the sums appropriated under section 3023 of this title for a fiscal year, the Assistant Secretary shall first determine the amount allotted to each State under paragraph (1) and then proportionately adjust such amounts, if necessary, to meet the requirements of paragraph (3).

(3)(A) No State shall be allotted less than $\frac{1}{2}$ of 1 percent of the sum appropriated for the fiscal year for which the determination is made.

(B) Guam and the United States Virgin Islands shall each be allotted not less than $\frac{1}{4}$ of 1 percent of the sum appropriated for the fiscal year for which the determination is made.

(C) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than $\frac{1}{16}$ of 1 percent of the sum appropriated for the fiscal year for which the determination is made. For the purposes of the exception contained in subparagraph (A) only, the term “State” does not include Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(D)(i) No State shall be allotted less than the total amount allotted to the State for fiscal year 2006.

(ii) No State shall receive a percentage increase in an allotment, above the State’s fiscal year 2006 allotment, that is less than—

(I) for fiscal year 2007, 20 percent of the percentage increase above the fiscal year 2006 allotments for all of the States;

(II) for fiscal year 2008, 15 percent of the percentage increase above the fiscal year 2006 allotments for all of the States;

(III) for fiscal year 2009, 10 percent of the percentage increase above the fiscal year 2006 allotments for all of the States; and

(IV) For¹ fiscal year 2010, 5 percent of the percentage increase above the fiscal year 2006 allotments for all of the States.

(4) The number of individuals aged 60 or older in any State and in all States shall be determined by the Assistant Secretary on the basis of the most recent data available from the Bureau of the Census, and other reliable demographic data satisfactory to the Assistant Secretary.

(5) State allotments for a fiscal year under this section shall be proportionally reduced to the extent that appropriations may be insufficient to provide the full allotments of the prior year.

(b) Unused funds

Whenever the Assistant Secretary determines that any amount allotted to a State under part B or C of this subchapter, or subpart I of part E

¹ So in original. Probably should be “for”.

of this subchapter, for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, the Assistant Secretary shall make such allotment available for carrying out such purpose to one or more other States to the extent the Assistant Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this subchapter, be regarded as part of such State's allotment (as determined under subsection (a) of this section) for such year, but shall remain available until the end of the succeeding fiscal year.

(c) Withholding of funds; disbursement

If the Assistant Secretary finds that any State has failed to qualify under the State plan requirements of section 3027 of this title or the Assistant Secretary does not approve the funding formula required under section 3025(a)(2)(C) of this title, the Assistant Secretary shall withhold the allotment of funds to such State referred to in subsection (a) of this section. The Assistant Secretary shall disburse the funds so withheld directly to any public or private non-profit institution or organization, agency, or political subdivision of such State submitting an approved plan under section 3027 of this title, which includes an agreement that any such payment shall be matched in the proportion determined under subsection (d)(1)(D) of this section for such State, by funds or in-kind resources from non-Federal sources.

(d) Costs of administration, ombudsman program, demonstration projects, supportive services, senior centers and nutrition services; payment and determination of non-Federal share

(1) From any State's allotment, after the application of section 3028(b) of this title, under this section for any fiscal year—

(A) such amount as the State agency determines, but not more than 10 percent thereof, shall be available for paying such percentage as the agency determines, but not more than 75 percent, of the cost of administration of area plans;

(B) such amount (excluding any amount attributable to funds appropriated under section 3023(a)(3) of this title) as the State agency determines to be adequate for conducting an effective ombudsman program under section 3027(a)(9) of this title shall be available for conducting such program;

(C) not less than \$150,000 and not more than 4 percent of the amount allotted to the State for carrying out part B of this subchapter, shall be available for conducting outreach demonstration projects under section 3058e of this title; and

(D) the remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 85 percent of the cost of supportive services, senior centers, and nutrition services under this subchapter provided in the State as part of a comprehensive and coor-

ordinated system in planning and service areas for which there is an area plan approved by the State agency.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Assistant Secretary may attribute fair market value to services and facilities contributed from non-Federal sources.

(Pub. L. 89-73, title III, §304, as added Pub. L. 95-478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1519; amended Pub. L. 97-115, §4, Dec. 29, 1981, 95 Stat. 1597; Pub. L. 98-459, title III, §304, Oct. 9, 1984, 98 Stat. 1772; Pub. L. 100-175, title I, §§123, 155(c), (d), 182(f), Nov. 29, 1987, 101 Stat. 933, 952, 965; Pub. L. 102-375, title III, §304, title IX, §904(a)(10), Sept. 30, 1992, 106 Stat. 1221, 1306; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 106-501, title III, §303, title VIII, §801(c)(2), Nov. 13, 2000, 114 Stat. 2239, 2292; Pub. L. 109-365, title III, §304, Oct. 17, 2006, 120 Stat. 2539.)

PRIOR PROVISIONS

A prior section 3024, Pub. L. 89-73, title III, §304, as added Pub. L. 93-29, title III, §301, May 3, 1973, 87 Stat. 38; Pub. L. 94-135, title I, §§105, 106(c), Nov. 28, 1975, 89 Stat. 715, 716, related to designation of state and area agencies, area plan provisions, and transportation services and funds, prior to the general amendment of this subchapter by Pub. L. 95-478. See sections 3025 and 3026 of this title.

Another prior section 3024, Pub. L. 89-73, title III, §304, July 14, 1965, 79 Stat. 223; Pub. L. 90-42, §3, July 1, 1967, 81 Stat. 107; Pub. L. 91-69, §4(b), Sept. 17, 1969, 83 Stat. 108, related to planning, coordination, and evaluation and administration of State plans, providing in: subsec. (a) authorization of appropriations, amount of payment, and availability of unexpended funds; subsec. (b) amount of allotment, determination of additional amount, adjustments, minimum amount, and availability of unexpended amount; subsec. (c) reallocation to other States; and subsec. (d) minimum State expenditure of funds, prior to repeal by Pub. L. 93-29, title III, §301, May 3, 1973, 87 Stat. 36.

Provisions similar to those comprising this section were contained in Pub. L. 89-73, title III, §303, as added Pub. L. 93-29, title III, §301, May 3, 1973, 87 Stat. 37; Pub. L. 94-135, title I, §§104(a), (c), (d), 112(b), 114(d), Nov. 28, 1975, 89 Stat. 714, 715, 719, 725, which was classified to section 3023 of this title prior to repeal by Pub. L. 95-478.

A prior section 3024a, Pub. L. 89-73, title III, §305, as added Pub. L. 91-69, §5, Sept. 17, 1969, 83 Stat. 110, related to areawide model projects, grants to or contracts with State agencies, amount, purposes of projects, and authorization of appropriations, prior to repeal by Pub. L. 93-29, title III, §301, May 3, 1973, 87 Stat. 36.

AMENDMENTS

2006—Subsec. (a)(3)(D). Pub. L. 109-365 amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: "No State shall be allotted less than the total amount allotted to the State for fiscal year 2000 and no State shall receive a percentage increase above the fiscal year 2000 allotment that is less than 20 percent of the percentage increase above the fiscal year 2000 allotments for all of the States."

2000—Subsec. (a). Pub. L. 106-501, §303(a), added subsec. (a) and struck out former subsec. (a) which read as follows:

"(a)(1) Subject to paragraphs (2) and (3), from the sums appropriated under section 3023 of this title for each fiscal year, each State shall be allotted an amount which bears the same ratio to such sums as the population of older individuals in such State bears to the population of older individuals in all States, except

that (A) no State shall be allotted less than one-half of 1 percent of the sum appropriated for the fiscal year for which the determination is made; (B) Guam, the United States Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted not less than one-fourth of 1 percent of the sum appropriated for the fiscal year for which the determination is made; and (C) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than one-sixteenth of 1 percent of the sum appropriated for the fiscal year for which the determination is made. For the purposes of paragraph (3) and the exception contained in subparagraph (A) only, the term 'State' does not include Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

"(2) No State shall be allotted less than the total amount allotted to the State under paragraph (1) of this subsection and section 3028 of this title for fiscal year 1987.

"(3) No State shall be allotted, from the amount appropriated under section 3023(g) of this title, less than \$50,000 for any fiscal year.

"(4) The number of individuals aged 60 or older in any State and in all States shall be determined by the Assistant Secretary on the basis of the most recent data available from the Bureau of the Census, and other reliable demographic data satisfactory to the Assistant Secretary."

Subsec. (b). Pub. L. 106-501, § 303(b), substituted "part B or C of this subchapter, or subpart I of part E of this subchapter," for "part B or C of this subchapter" in first sentence.

Subsec. (d)(1)(B). Pub. L. 106-501, § 801(c)(2)(A), substituted "3027(a)(9)" for "3027(a)(12)".

Subsec. (e). Pub. L. 106-501, § 801(c)(2)(B), struck out subsec. (e) which read as follows: "Grants made from allotments received under this subchapter may be used for paying for the costs of providing for an area volunteer services coordinator (as described in section 3026(a)(12) of this title) or a State volunteer services coordinator (as described in section 3027(a)(31) of this title)."

1993—Subsecs. (a)(4), (b), (c), (d)(2). Pub. L. 103-171 substituted "Assistant Secretary" for "Commissioner" wherever appearing.

1992—Subsec. (a)(1). Pub. L. 102-375, § 904(a)(10), substituted "of older individuals" for "aged 60 or older" in two places, "United States Virgin Islands" for "Virgin Islands" in two places, and "contained in subparagraph (A)" for "contained in clause (A)".

Subsec. (a)(2). Pub. L. 102-375, § 304(a)(1), substituted "1987" for "1984".

Subsec. (a)(3). Pub. L. 102-375, § 304(a)(2), amended par. (3) generally. Prior to amendment, par. (3) read as follows: "No State shall be allotted, from the amount appropriated pursuant to section 3023(a)(3) of this title, less than \$50,000 for any fiscal year."

Subsec. (a)(4). Pub. L. 102-375, § 304(a)(3), substituted "data available from the Bureau of the Census, and other reliable demographic data satisfactory" for "satisfactory data available".

Subsec. (c). Pub. L. 102-375, § 304(b), inserted "or the Commissioner does not approve the funding formula required under section 3025(a)(2)(C) of this title" after "requirements of section 3027 of this title".

Subsec. (d)(1)(C). Pub. L. 102-375, § 304(c), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: "after September 30, 1986, such amount (excluding any amount attributable to funds appropriated under section 3023(a)(3) of this title) as the State agency determines to be adequate, but not more than 1 percent, for conducting effective demonstration projects in health and nutrition education under section 3027(f) of this title shall be available for conducting such projects; and".

Subsec. (e). Pub. L. 102-375, § 304(d), added subsec. (e). 1987—Subsec. (a)(1). Pub. L. 100-175, § 155(c)(1), substituted "paragraphs (2) and (3)" for "paragraph (2)" and "purposes of paragraph (3) and" for "purpose of".

Subsec. (a)(3), (4). Pub. L. 100-175, § 155(c)(2), added par. (3) and redesignated former par. (3) as (4).

Subsec. (d)(1). Pub. L. 100-175, § 182(f), inserted a comma after "section 3028(b) of this title".

Subsec. (d)(1)(A). Pub. L. 100-175, § 123, substituted "10 percent" for "8.5 percent".

Subsec. (d)(1)(B), (C). Pub. L. 100-175, § 155(d), inserted "(excluding any amount attributable to funds appropriated under section 3023(a)(3) of this title)" after "amount".

1984—Subsec. (a)(1). Pub. L. 98-459, § 304(a)(1)-(5), substituted "Subject to paragraph (2), from" for "From", substituted "under section 3023 of this title" for "under parts B and C", substituted "Commonwealth of the Northern Mariana Islands" for "Northern Mariana Islands" in two places, substituted "and (C)" for "(C)", and struck out "; and (D) no State shall be allotted an amount less than the State received for fiscal year 1978".

Subsec. (a)(2), (3). Pub. L. 98-459, § 304(a)(6)-(8), added par. (2), redesignated former par. (2) as (3), and substituted "available to the Commissioner" for "available to him".

Subsec. (b). Pub. L. 98-459, § 304(b), substituted "the Commissioner shall make" for "he shall make" and "to the extent the Commissioner determines" for "to the extent he determines".

Subsec. (c). Pub. L. 98-459, § 304(c), substituted "subsection (d)(1)(D) of this section" for "subsection (d)(1)(B) of this section" and "or in-kind resources" for "for in-kind resources".

Subsec. (d)(1). Pub. L. 98-459, § 304(d), inserted ", after the application of section 3028(b) of this title" in provisions before par. (1), added subpar. (C), and redesignated former subpar. (C) as (D).

1981—Subsec. (a)(1). Pub. L. 97-115, § 4(a), substituted "under parts B and C for each fiscal year" for "under parts B and C for fiscal years 1979, 1980, and 1981".

Subsec. (d)(1)(B). Pub. L. 97-115, § 4(c)(3), added subpar. (B). Former subpar. (B) redesignated (C).

Subsec. (d)(1)(C). Pub. L. 97-115, § 4(b), (c)(2), redesignated subpar. (B) as (C) and substituted "85 percent of the cost of supportive services, senior centers, and nutrition services under this subchapter" for "90 percent in fiscal years 1979 and 1980, and 85 percent in fiscal year 1981, of the cost of social services and nutrition services authorized under parts B and C".

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 304 (excluding pars. (1) and (2) of subsec. (a)) of Pub. L. 102-375 inapplicable with respect to fiscal year 1993, see section 4(b) of Pub. L. 103-171, set out as a note under section 3001 of this title.

Amendment by section 304 of Pub. L. 102-375 inapplicable with respect to fiscal year 1992, see section 905(b)(2) of Pub. L. 102-375, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, except not applicable with respect to any area plan submitted under section 3026(a) of this title or any State plan submitted under section 3027(a) of this title and approved for any fiscal year beginning before Nov. 29, 1987, see section 701(a), (b) of Pub. L. 100-175, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-459 effective Oct. 9, 1984, see section 803(a) of Pub. L. 98-459, set out as a note under section 3001 of this title.

§ 3025. Designation of State agencies

(a) Duties of designated agency

In order for a State to be eligible to participate in programs of grants to States from allotments under this subchapter—

(1) the State shall, in accordance with regulations of the Assistant Secretary, designate a State agency as the sole State agency to—

(A) develop a State plan to be submitted to the Assistant Secretary for approval under section 3027 of this title;

(B) administer the State plan within such State;

(C) be primarily responsible for the planning, policy development, administration, coordination, priority setting, and evaluation of all State activities related to the objectives of this chapter;

(D) serve as an effective and visible advocate for older individuals by reviewing and commenting upon all State plans, budgets, and policies which affect older individuals and providing technical assistance to any agency, organization, association, or individual representing the needs of older individuals; and

(E) divide the State into distinct planning and service areas (or in the case of a State specified in subsection (b)(5)(A) of this section, designate the entire State as a single planning and service area), in accordance with guidelines issued by the Assistant Secretary, after considering the geographical distribution of older individuals in the State, the incidence of the need for supportive services, nutrition services, multipurpose senior centers, and legal assistance, the distribution of older individuals who have greatest economic need (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas) residing in such areas, the distribution of older individuals who have greatest social need (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas) residing in such areas, the distribution of older individuals who are Indians residing in such areas, the distribution of resources available to provide such services or centers, the boundaries of existing areas within the State which were drawn for the planning or administration of supportive services programs, the location of units of general purpose local government within the State, and any other relevant factors;

(2) the State agency shall—

(A) except as provided in subsection (b)(5) of this section, designate for each such area after consideration of the views offered by the unit or units of general purpose local government in such area, a public or private nonprofit agency or organization as the area agency on aging for such area;

(B) provide assurances, satisfactory to the Assistant Secretary, that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of supportive services or nutrition services, or individuals using multipurpose senior centers provided under such plan;

(C) in consultation with area agencies, in accordance with guidelines issued by the As-

sistant Secretary, and using the best available data, develop and publish for review and comment a formula for distribution within the State of funds received under this subchapter that takes into account—

(i) the geographical distribution of older individuals in the State; and

(ii) the distribution among planning and service areas of older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority older individuals;

(D) submit its formula developed under subparagraph (C) to the Assistant Secretary for approval;

(E) provide assurances that preference will be given to providing services to older individuals with greatest economic need and older individuals with greatest social need (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas), and include proposed methods of carrying out the preference in the State plan;

(F) provide assurances that the State agency will require use of outreach efforts described in section 3027(a)(16) of this title; and

(G)(i) set specific objectives, in consultation with area agencies on aging, for each planning and service area for providing services funded under this subchapter to low-income minority older individuals and older individuals residing in rural areas;

(ii) provide an assurance that the State agency will undertake specific program development, advocacy, and outreach efforts focused on the needs of low-income minority older individuals and older individuals residing in rural areas; and

(iii) provide a description of the efforts described in clause (ii) that will be undertaken by the State agency; and

(3) the State agency shall, consistent with this section, promote the development and implementation of a State system of long-term care that is a comprehensive, coordinated system that enables older individuals to receive long-term care in home and community-based settings, in a manner responsive to the needs and preferences of the older individuals and their family caregivers, by—

(A) collaborating, coordinating, and consulting with other agencies in such State responsible for formulating, implementing, and administering programs, benefits, and services related to providing long-term care;

(B) participating in any State government activities concerning long-term care, including reviewing and commenting on any State rules, regulations, and policies related to long-term care;

(C) conducting analyses and making recommendations with respect to strategies for modifying the State system of long-term care to better—

(i) respond to the needs and preferences of older individuals and family caregivers;

(ii) facilitate the provision, by service providers, of long-term care in home and community-based settings; and

(iii) target services to individuals at risk for institutional placement, to permit such individuals to remain in home and community-based settings;

(D) implementing (through area agencies on aging, service providers, and such other entities as the State determines to be appropriate) evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals; and

(E) providing for the availability and distribution (through public education campaigns, Aging and Disability Resource Centers, area agencies on aging, and other appropriate means) of information relating to—

(i) the need to plan in advance for long-term care; and

(ii) the full range of available public and private long-term care (including integrated long-term care) programs, options, service providers, and resources.

(b) Planning and service areas

(1) In carrying out the requirement of subsection (a)(1) of this section, the State may designate as a planning and service area any unit of general purpose local government which has a population of 100,000 or more. In any case in which a unit of general purpose local government makes application to the State agency under the preceding sentence to be designated as a planning and service area, the State agency shall, upon request, provide an opportunity for a hearing to such unit of general purpose local government. A State may designate as a planning and service area under subsection (a)(1) of this section, any region within the State recognized for purposes of areawide planning which includes one or more such units of general purpose local government when the State determines that the designation of such a regional planning and service area is necessary for, and will enhance, the effective administration of the programs authorized by this subchapter. The State may include in any planning and service area designated under subsection (a)(1) of this section such additional areas adjacent to the unit of general purpose local government or regions so designated as the State determines to be necessary for, and will enhance the effective administration of the programs authorized by this subchapter.

(2) The State is encouraged in carrying out the requirement of subsection (a)(1) of this section to include the area covered by the appropriate economic development district involved in any planning and service area designated under subsection (a)(1) of this section, and to include all portions of an Indian reservation within a single planning and service area, if feasible.

(3) The chief executive officer of each State in which a planning and service area crosses State boundaries, or in which an interstate Indian reservation is located, may apply to the Assistant

Secretary to request redesignation as an interstate planning and service area comprising the entire metropolitan area or Indian reservation. If the Assistant Secretary approves such an application, the Assistant Secretary shall adjust the State allotments of the areas within the planning and service area in which the interstate planning and service area is established to reflect the number of older individuals within the area who will be served by an interstate planning and service area not within the State.

(4) Whenever a unit of general purpose local government, a region, a metropolitan area or an Indian reservation is denied designation under the provisions of subsection (a)(1) of this section, such unit of general purpose local government, region, metropolitan area, or Indian reservation may appeal the decision of the State agency to the Assistant Secretary. The Assistant Secretary shall afford such unit, region, metropolitan area, or Indian reservation an opportunity for a hearing. In carrying out the provisions of this paragraph, the Assistant Secretary may approve the decision of the State agency, disapprove the decision of the State agency and require the State agency to designate the unit, region, area, or Indian reservation appealing the decision as a planning and service area, or take such other action as the Assistant Secretary deems appropriate.

(5)(A) A State which on or before October 1, 1980, had designated, with the approval of the Assistant Secretary, a single planning and service area covering all of the older individuals in the State, in which the State agency was administering the area plan, may after that date designate one or more additional planning and service areas within the State to be administered by public or private nonprofit agencies or organizations as area agencies on aging, after considering the factors specified in subsection (a)(1)(E) of this section. The State agency shall continue to perform the functions of an area agency on aging for any area of the State not included in a planning and service area for which an area agency on aging has been designated.

(B) Whenever a State agency designates a new area agency on aging after October 9, 1984, the State agency shall give the right to first refusal to a unit of general purpose local government if (i) such unit can meet the requirements of subsection (c) of this section, and (ii) the boundaries of such a unit and the boundaries of the area are reasonably contiguous.

(C)(i) A State agency shall establish and follow appropriate procedures to provide due process to affected parties, if the State agency initiates an action or proceeding to—

(I) revoke the designation of the area agency on aging under subsection (a) of this section;

(II) designate an additional planning and service area in a State;

(III) divide the State into different planning and services¹ areas; or

(IV) otherwise affect the boundaries of the planning and service areas in the State.

(ii) The procedures described in clause (i) shall include procedures for—

¹ So in original. Probably should be "service".

(I) providing notice of an action or proceeding described in clause (i);

(II) documenting the need for the action or proceeding;

(III) conducting a public hearing for the action or proceeding;

(IV) involving area agencies on aging, service providers, and older individuals in the action or proceeding; and

(V) allowing an appeal of the decision of the State agency in the action or proceeding to the Assistant Secretary.

(iii) An adversely affected party involved in an action or proceeding described in clause (i) may bring an appeal described in clause (ii)(V) on the basis of—

(I) the facts and merits of the matter that is the subject of the action or proceeding; or

(II) procedural grounds.

(iv) In deciding an appeal described in clause (ii)(V), the Assistant Secretary may affirm or set aside the decision of the State agency. If the Assistant Secretary sets aside the decision, and the State agency has taken an action described in subclauses (I) through (III) of clause (i), the State agency shall nullify the action.

(c) Eligible State area agencies; development of area; preferred area agency on aging designees

An area agency on aging designated under subsection (a) of this section shall be—

(1) an established office of aging which is operating within a planning and service area designated under subsection (a) of this section;

(2) any office or agency of a unit of general purpose local government, which is designated to function only for the purpose of serving as an area agency on aging by the chief elected official of such unit;

(3) any office or agency designated by the appropriate chief elected officials of any combination of units of general purpose local government to act only on behalf of such combination for such purpose;

(4) any public or nonprofit private agency in a planning and service area, or any separate organizational unit within such agency, which is under the supervision or direction for this purpose of the designated State agency and which can and will engage only in the planning or provision of a broad range of supportive services, or nutrition services within such planning and service area; or

(5) in the case of a State specified in subsection (b)(5) of this section, the State agency;

and shall provide assurance, determined adequate by the State agency, that the area agency on aging will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area. In designating an area agency on aging within the planning and service area or within any unit of general purpose local government designated as a planning and service area the State shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

(d) Publication for review and comment; contents

The publication for review and comment required by paragraph (2)(C) of subsection (a) of this section shall include—

(1) a descriptive statement of the formula's assumptions and goals, and the application of the definitions of greatest economic or social need,

(2) a numerical statement of the actual funding formula to be used,

(3) a listing of the population, economic, and social data to be used for each planning and service area in the State, and

(4) a demonstration of the allocation of funds, pursuant to the funding formula, to each planning and service area in the State.

(Pub. L. 89-73, title III, §305, as added Pub. L. 95-478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1520; amended Pub. L. 97-115, §§3(d), 5, Dec. 29, 1981, 95 Stat. 1597; Pub. L. 98-459, title III, §305, Oct. 9, 1984, 98 Stat. 1773; Pub. L. 100-175, title I, §§124, 132(a), 134(a)(1), 182(e)(2), (g), (h), Nov. 29, 1987, 101 Stat. 933, 939, 940, 965; Pub. L. 100-628, title VII, §705(4), Nov. 7, 1988, 102 Stat. 3247; Pub. L. 102-375, title I, §102(b)(9)(B), (10)(B)-(D), title III, §305, title IX, §904(a)(11), Sept. 30, 1992, 106 Stat. 1201, 1202, 1222, 1306; Pub. L. 103-171, §§2(8), 3(a)(13), Dec. 2, 1993, 107 Stat. 1988, 1990; Pub. L. 106-501, title III, §304, title VIII, §801(c)(3), Nov. 13, 2000, 114 Stat. 2239, 2292; Pub. L. 109-365, title III, §305, Oct. 17, 2006, 120 Stat. 2539.)

PRIOR PROVISIONS

A prior section 3025, Pub. L. 89-73, title III, §305, as added Pub. L. 93-29, title III, §301, May 3, 1973, 87 Stat. 41; Pub. L. 94-135, title I, §§106(a), (b), 114(e), Nov. 28, 1975, 89 Stat. 715, 725, related to State plans, prior to the general amendment of this subchapter by Pub. L. 95-478. See section 3027 of this title.

Another prior section 3025, Pub. L. 89-73, title III, §306, formerly §305, July 14, 1965, 79 Stat. 224; renumbered §306, Pub. L. 91-69, §5, Sept. 17, 1969, 83 Stat. 110, related to payments of grants for State and community programs on aging, adjustments, advances or reimbursement, and installments, prior to repeal by Pub. L. 93-29, title III, §301, May 3, 1973, 87 Stat. 36.

Provisions similar to those comprising this section were contained in Pub. L. 89-73, title III, §304, as added Pub. L. 93-29, title III, §301, May 3, 1973, 87 Stat. 38; Pub. L. 94-135, title I, §§105, 106(c), Nov. 28, 1975, 89 Stat. 715, 716, which was classified to section 3024 of this title prior to repeal by Pub. L. 95-478.

AMENDMENTS

2006—Subsec. (a)(1)(E). Pub. L. 109-365, §305(1)(A), substituted “(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)” for “(with particular attention to low-income minority individuals and older individuals residing in rural areas)” in two places.

Subsec. (a)(2)(E). Pub. L. 109-365, §305(2)(A), substituted “(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)” for “, with particular attention to low-income minority individuals and older individuals residing in rural areas”.

Subsec. (a)(3). Pub. L. 109-365, §305(1)(B), (2)(B), (3), added par. (3).

2000—Subsec. (a)(1)(E). Pub. L. 106-501, §304(1), inserted “and older individuals residing in rural areas” after “low-income minority individuals” in two places.

Subsec. (a)(2)(E). Pub. L. 106-501, §304(2)(A), struck out comma and inserted “and older individuals residing in rural areas,” after “low-income minority individuals”.

Subsec. (a)(2)(F). Pub. L. 106-501, §801(c)(3), substituted “3027(a)(16)” for “3027(a)(24)”.

Subsec. (a)(2)(G)(i). Pub. L. 106-501, §304(2)(B), inserted “and older individuals residing in rural areas” after “low-income minority older individuals”.

Subsec. (a)(2)(G)(ii). Pub. L. 106-501, §304(2)(C), which directed the insertion of “and older individuals residing in rural areas” after “low-income minority individuals”, was executed by making the insertion after “low-income minority older individuals”, to reflect the probable intent of Congress.

1993—Subsec. (a). Pub. L. 103-171, §3(a)(13), substituted “Assistant Secretary” for “Commissioner” wherever appearing.

Subsec. (b)(1). Pub. L. 103-171, §2(8), substituted “area under subsection (a)(1) of this section” for “area under clause (1) of subsection (a) of this section” and “designated under subsection (a)(1) of this section” for “designated under clause (1) of subsection (a) of this section”.

Subsec. (b)(2). Pub. L. 103-171, §2(8), substituted “requirement of subsection (a)(1) of this section” for “requirement of clause (1) of subsection (a) of this section”.

Subsec. (b)(3) to (5). Pub. L. 103-171, §3(a)(13), substituted “Assistant Secretary” for “Commissioner” wherever appearing.

1992—Subsec. (a)(1)(C). Pub. L. 102-375, §305(a)(1), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: “be primarily responsible for the coordination of all State activities related to the purposes of this chapter;”.

Subsec. (a)(1)(D). Pub. L. 102-375, §904(a)(11)(A)(i)(I), substituted “older individuals” for “the elderly” wherever appearing.

Subsec. (a)(1)(E). Pub. L. 102-375, §904(a)(11)(A)(i)(II), (III), inserted “individuals who are” before “Indians” and substituted “older individuals” for “individuals aged 60 and older”.

Subsec. (a)(2). Pub. L. 102-375, §904(a)(11)(A)(ii)(I), which directed the substitution of “subparagraph” for “clause”, could not be executed because of the intervening amendment by Pub. L. 102-375, §102(b)(9)(B). See below.

Pub. L. 102-375, §102(b)(9)(B), struck out “designated under clause (1)” after “agency” in introductory provisions.

Subsec. (a)(2)(C). Pub. L. 102-375, §305(a)(2), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: “develop a formula, in accordance with guidelines issued by the Commissioner, for the distribution within the State of funds received under this subchapter, taking into account, to the maximum extent feasible, the best available statistics on the geographical distribution of individuals aged 60 and older in the State, and publish such formula for review and comment in accordance with subsection (d) of this section;”.

Subsec. (a)(2)(D). Pub. L. 102-375, §904(a)(11)(A)(ii)(II), substituted “subparagraph” for “subclause”.

Pub. L. 102-375, §305(a)(2)(B), substituted “for approval” for “for review and comment”.

Subsec. (a)(2)(E). Pub. L. 102-375, §904(a)(11)(A)(ii)(III), substituted “greatest economic need and older individuals with greatest social need” for “the greatest economic or social needs”.

Pub. L. 102-375, §305(a)(2)(C), struck out “and” at end.

Subsec. (a)(2)(F). Pub. L. 102-375, §305(a)(2)(D), amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: “assure the use of outreach efforts that will identify individuals eligible for assistance under this chapter, with special emphasis on older individuals with the greatest economic or social needs (with particular attention to low-income minority individuals) and inform such individuals of the availability of such assistance.”

Subsec. (a)(2)(G). Pub. L. 102-375, §305(a)(2)(E), added subpar. (G).

Subsec. (b)(1). Pub. L. 102-375, §904(a)(11)(B)(i), substituted “requirement of subsection (a)(1) of this section” for “requirement of clause (1) of subsection (a) of this section”.

Subsec. (b)(2). Pub. L. 102-375, §904(a)(11)(B)(ii), substituted “designated under subsection (a)(1) of this section” for “designated under such clause”.

Subsec. (b)(4). Pub. L. 102-375, §904(a)(11)(B)(i), substituted “subsection (a)(1) of this section” for “clause (1) of subsection (a) of this section”.

Subsec. (b)(5)(A). Pub. L. 102-375, §102(b)(10)(B), substituted “area agency on aging” for “area agency” in two places.

Subsec. (b)(5)(C). Pub. L. 102-375, §305(b), added subpar. (C).

Subsec. (c). Pub. L. 102-375, §102(b)(10)(D), substituted “area agency on aging” for “area agency” in concluding provisions of first sentence.

Subsec. (c)(2). Pub. L. 102-375, §102(b)(10)(C), substituted “area agency on aging” for “area agency”.

Subsec. (d). Pub. L. 102-375, §904(a)(11)(C), substituted “paragraph” for “clause” in introductory provisions.

1988—Subsec. (a)(1)(E). Pub. L. 100-628, §705(4)(A), substituted “such areas,” for “such areas,” before “distribution of resources”.

Subsec. (d). Pub. L. 100-628, §705(4)(B), redesignated subpars. (A), (B), (C), and (D) as pars. (1), (2), (3), and (4), respectively.

1987—Subsec. (a)(1)(E). Pub. L. 100-175, §§132(a)(1), 134(a)(1), 182(g), substituted “the distribution of older individuals who have greatest economic need (with particular attention to low-income minority individuals) residing in such areas, the distribution of older individuals who have greatest social need (with particular attention to low-income minority individuals) residing in such areas,” for “the distribution of older individuals who have low incomes residing in such areas”, inserted “the distribution of older Indians residing in such areas,” after second reference to “such areas,” and substituted “legal assistance” for “legal services”.

Subsec. (a)(2)(C). Pub. L. 100-175, §182(h), inserted “in accordance with subsection (d) of this section” before semicolon at end.

Subsec. (a)(2)(F). Pub. L. 100-175, §132(a)(2), added subpar. (F).

Subsec. (c)(2). Pub. L. 100-175, §124(1), inserted “to function only” after “designated”.

Subsec. (c)(3). Pub. L. 100-175, §124(2), inserted “only” after “to act”.

Subsec. (c)(4). Pub. L. 100-175, §124(3), inserted “, or any separate organizational unit within such agency,” after first reference to “area” and substituted “and will engage only” for “engage”.

Subsec. (d). Pub. L. 100-175, §182(e)(2), struck out par. (1) designation before “The publication for review” and struck out par. (2) which read as follows: “For purposes of clause (2)(E) of subsection (a) of this section and paragraph (1) of this subsection, the term ‘greatest economic need’ means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census, and the term ‘greatest social need’ means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, and cultural or social isolation including that caused by racial or ethnic status which restricts an individual’s ability to perform normal daily tasks or which threatens his or her capacity to live independently.”

1984—Subsec. (a)(1)(E). Pub. L. 98-459, §305(a)(1), substituted “subsection (b)(5)(A) of this section” for “subsection (b)(5) of this section”.

Subsec. (a)(2)(E). Pub. L. 98-459, §305(a)(2), inserted “, with particular attention to low-income minority individuals,”.

Subsec. (b)(3). Pub. L. 98-459, §305(b)(1), substituted “the Commissioner shall adjust” for “he shall adjust”.

Subsec. (b)(5). Pub. L. 98-459, §305(b), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (d). Pub. L. 98-459, §305(c), added subsec. (d). 1981—Subsec. (a)(1)(E). Pub. L. 97-115, §§3(d), 5(a), substituted “divide the State into distinct planning and service areas (or in the case of a State specified in subsection (b)(5) of this section, designate the entire State as a single planning and service area)” for “divide the State into distinct areas” and “supportive services” for “social services” in two places.

Subsec. (a)(2)(A). Pub. L. 97-115, §5(b), substituted “except as provided in subsection (b)(5) of this section, designate for each such area” for “determine for which planning and service area an area plan will be developed, in accordance with section 3026 of this title, and for each such area designate.”.

Subsec. (a)(2)(B). Pub. L. 97-115, §3(d), substituted “supportive services” for “social services”.

Subsec. (b)(5). Pub. L. 97-115, §5(c), added par. (5).

Subsec. (c)(4). Pub. L. 97-115, §3(d), substituted “supportive services” for “social services”.

Subsec. (c)(5). Pub. L. 97-115, §5(d), added par. (5).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 305 of Pub. L. 102-375 inapplicable with respect to fiscal year 1993, see section 4(b) of Pub. L. 103-171, set out as a note under section 3001 of this title.

Amendment by section 305 of Pub. L. 102-375 inapplicable with respect to fiscal year 1992, see section 905(b)(2) of Pub. L. 102-375, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, except not applicable with respect to any area plan submitted under section 3026(a) of this title or any State plan submitted under section 3027(a) of this title and approved for any fiscal year beginning before Nov. 29, 1987, see section 701(a), (b) of Pub. L. 100-175, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-459 effective Oct. 9, 1984, see section 803(a) of Pub. L. 98-459, set out as a note under section 3001 of this title.

§ 3026. Area plans

(a) Preparation and development by area agency on aging; requirements

Each area agency on aging designated under section 3025(a)(2)(A) of this title shall, in order to be approved by the State agency, prepare and develop an area plan for a planning and service area for a two-, three-, or four-year period determined by the State agency, with such annual adjustments as may be necessary. Each such plan shall be based upon a uniform format for area plans within the State prepared in accordance with section 3027(a)(1) of this title. Each such plan shall—

(1) provide, through a comprehensive and coordinated system, for supportive services, nutrition services, and, where appropriate, for the establishment, maintenance, or construction of multipurpose senior centers, within the planning and service area covered by the plan, including determining the extent of need for supportive services, nutrition services, and multipurpose senior centers in such area (taking into consideration, among other things, the number of older individuals with low incomes residing in such area, the number of older individuals who have greatest economic need (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with

limited English proficiency, and older individuals residing in rural areas) residing in such area, the number of older individuals who have greatest social need (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas) residing in such area, the number of older individuals at risk for institutional placement residing in such area, and the number of older individuals who are Indians residing in such area, and the efforts of voluntary organizations in the community), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of supportive services, nutrition services, or multipurpose senior centers in such area, for the provision of such services or centers to meet such need;

(2) provide assurances that an adequate proportion, as required under section 3027(a)(2) of this title, of the amount allotted for part B of this subchapter to the planning and service area will be expended for the delivery of each of the following categories of services—

(A) services associated with access to services (transportation, health services (including mental health services), outreach, information and assistance (which may include information and assistance to consumers on availability of services under part B and how to receive benefits under and participate in publicly supported programs for which the consumer may be eligible), and case management services);

(B) in-home services, including supportive services for families of older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction);¹ and

(C) legal assistance;

and assurances that the area agency on aging will report annually to the State agency in detail the amount of funds expended for each such category during the fiscal year most recently concluded;

(3)(A) designate, where feasible, a focal point for comprehensive service delivery in each community, giving special consideration to designating multipurpose senior centers (including multipurpose senior centers operated by organizations referred to in paragraph (6)(C)) as such focal point; and

(B) specify, in grants, contracts, and agreements implementing the plan, the identity of each focal point so designated;

(4)(A)(i)(I) provide assurances that the area agency on aging will—

(aa) set specific objectives, consistent with State policy, for providing services to older individuals with greatest economic need, older individuals with greatest social need, and older individuals at risk for institutional placement;

(bb) include specific objectives for providing services to low-income minority older individuals, older individuals with limited

¹ So in original. A closing parenthesis probably should not appear.

English proficiency, and older individuals residing in rural areas; and

(II) include proposed methods to achieve the objectives described in items (aa) and (bb) of subclause (I);

(ii) provide assurances that the area agency on aging will include in each agreement made with a provider of any service under this subchapter, a requirement that such provider will—

(I) specify how the provider intends to satisfy the service needs of low-income minority individuals, older individuals with limited English proficiency, and older individuals residing in rural areas in the area served by the provider;

(II) to the maximum extent feasible, provide services to low-income minority individuals, older individuals with limited English proficiency, and older individuals residing in rural areas in accordance with their need for such services; and

(III) meet specific objectives established by the area agency on aging, for providing services to low-income minority individuals, older individuals with limited English proficiency, and older individuals residing in rural areas within the planning and service area; and

(iii) with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

(I) identify the number of low-income minority older individuals in the planning and service area;

(II) describe the methods used to satisfy the service needs of such minority older individuals; and

(III) provide information on the extent to which the area agency on aging met the objectives described in clause (i);

(B) provide assurances that the area agency on aging will use outreach efforts that will—

(i) identify individuals eligible for assistance under this chapter, with special emphasis on—

(I) older individuals residing in rural areas;

(II) older individuals with greatest economic need (with particular attention to low-income minority individuals and older individuals residing in rural areas);

(III) older individuals with greatest social need (with particular attention to low-income minority individuals and older individuals residing in rural areas);

(IV) older individuals with severe disabilities;

(V) older individuals with limited English proficiency;

(VI) older individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and

(VII) older individuals at risk for institutional placement; and

(ii) inform the older individuals referred to in subclauses (I) through (VI) of clause (i), and the caretakers of such individuals, of the availability of such assistance; and

(C) contain an assurance that the area agency on aging will ensure that each activity undertaken by the agency, including planning, advocacy, and systems development, will include a focus on the needs of low-income minority older individuals and older individuals residing in rural areas;

(5) provide assurances that the area agency on aging will coordinate planning, identification, assessment of needs, and provision of services for older individuals with disabilities, with particular attention to individuals with severe disabilities and individuals at risk for institutional placement, with agencies that develop or provide services for individuals with disabilities;

(6) provide that the area agency on aging will—

(A) take into account in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

(B) serve as the advocate and focal point for older individuals within the community by (in cooperation with agencies, organizations, and individuals participating in activities under the plan) monitoring, evaluating, and commenting upon all policies, programs, hearings, levies, and community actions which will affect older individuals;

(C)(i) where possible, enter into arrangements with organizations providing day care services for children, assistance to older individuals caring for relatives who are children, and respite for families, so as to provide opportunities for older individuals to aid or assist on a voluntary basis in the delivery of such services to children, adults, and families;

(ii) if possible regarding the provision of services under this subchapter, enter into arrangements and coordinate with organizations that have a proven record of providing services to older individuals, that—

(I) were officially designated as community action agencies or community action programs under section 210 of the Economic Opportunity Act of 1964 (42 U.S.C. 2790)² for fiscal year 1981, and did not lose the designation as a result of failure to comply with such Act; or

(II) came into existence during fiscal year 1982 as direct successors in interest to such community action agencies or community action programs; and

(iii) make use of trained volunteers in providing direct services delivered to older individuals and individuals with disabilities needing such services and, if possible, work in coordination with organizations that have experience in providing training, placement, and stipends for volunteers or participants (such as organizations carrying out Federal service programs administered by the Corporation for National and Community Service), in community service settings;

and that meet the requirements under section 9910 of this title;

² See References in Text note below.

(D) establish an advisory council consisting of older individuals (including minority individuals and older individuals residing in rural areas) who are participants or who are eligible to participate in programs assisted under this chapter, family caregivers of such individuals, representatives of older individuals, service providers, representatives of the business community, local elected officials, providers of veterans' health care (if appropriate), and the general public, to advise continuously the area agency on aging on all matters relating to the development of the area plan, the administration of the plan and operations conducted under the plan;

(E) establish effective and efficient procedures for coordination of—

(i) entities conducting programs that receive assistance under this chapter within the planning and service area served by the agency; and

(ii) entities conducting other Federal programs for older individuals at the local level, with particular emphasis on entities conducting programs described in section 3013(b) of this title, within the area;

(F) in coordination with the State agency and with the State agency responsible for mental health services, increase public awareness of mental health disorders, remove barriers to diagnosis and treatment, and coordinate mental health services (including mental health screenings) provided with funds expended by the area agency on aging with mental health services provided by community health centers and by other public agencies and nonprofit private organizations;

(G) if there is a significant population of older individuals who are Indians in the planning and service area of the area agency on aging, the area agency on aging shall conduct outreach activities to identify such individuals in such area and shall inform such individuals of the availability of assistance under this chapter;

(7) provide that the area agency on aging shall, consistent with this section, facilitate the area-wide development and implementation of a comprehensive, coordinated system for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, by—

(A) collaborating, coordinating activities, and consulting with other local public and private agencies and organizations responsible for administering programs, benefits, and services related to providing long-term care;

(B) conducting analyses and making recommendations with respect to strategies for modifying the local system of long-term care to better—

(i) respond to the needs and preferences of older individuals and family caregivers;

(ii) facilitate the provision, by service providers, of long-term care in home and community-based settings; and

(iii) target services to older individuals at risk for institutional placement, to permit such individuals to remain in home and community-based settings;

(C) implementing, through the agency or service providers, evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals; and

(D) providing for the availability and distribution (through public education campaigns, Aging and Disability Resource Centers, the area agency on aging itself, and other appropriate means) of information relating to—

(i) the need to plan in advance for long-term care; and

(ii) the full range of available public and private long-term care (including integrated long-term care) programs, options, service providers, and resources;

(8) provide that case management services provided under this subchapter through the area agency on aging will—

(A) not duplicate case management services provided through other Federal and State programs;

(B) be coordinated with services described in subparagraph (A); and

(C) be provided by a public agency or a nonprofit private agency that—

(i) gives each older individual seeking services under this subchapter a list of agencies that provide similar services within the jurisdiction of the area agency on aging;

(ii) gives each individual described in clause (i) a statement specifying that the individual has a right to make an independent choice of service providers and documents receipt by such individual of such statement;

(iii) has case managers acting as agents for the individuals receiving the services and not as promoters for the agency providing such services; or

(iv) is located in a rural area and obtains a waiver of the requirements described in clauses (i) through (iii);

(9) provide assurances that the area agency on aging, in carrying out the State Long-Term Care Ombudsman program under section 3027(a)(9) of this title, will expend not less than the total amount of funds appropriated under this chapter and expended by the agency in fiscal year 2000 in carrying out such a program under this subchapter;

(10) provide a grievance procedure for older individuals who are dissatisfied with or denied services under this subchapter;

(11) provide information and assurances concerning services to older individuals who are Native Americans (referred to in this paragraph as "older Native Americans"), including—

(A) information concerning whether there is a significant population of older Native Americans in the planning and service area

and if so, an assurance that the area agency on aging will pursue activities, including outreach, to increase access of those older Native Americans to programs and benefits provided under this subchapter;

(B) an assurance that the area agency on aging will, to the maximum extent practicable, coordinate the services the agency provides under this subchapter with services provided under subchapter X of this chapter; and

(C) an assurance that the area agency on aging will make services under the area plan available, to the same extent as such services are available to older individuals within the planning and service area, to older Native Americans; and³

(12) provide that the area agency on aging will establish procedures for coordination of services with entities conducting other Federal or federally assisted programs for older individuals at the local level, with particular emphasis on entities conducting programs described in section 3013(b) of this title within the planning and service area.⁴

(13) provide assurances that the area agency on aging will—

(A) maintain the integrity and public purpose of services provided, and service providers, under this subchapter in all contractual and commercial relationships;

(B) disclose to the Assistant Secretary and the State agency—

(i) the identity of each nongovernmental entity with which such agency has a contract or commercial relationship relating to providing any service to older individuals; and

(ii) the nature of such contract or such relationship;

(C) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this subchapter by such agency has not resulted and will not result from such contract or such relationship;

(D) demonstrate that the quantity or quality of the services to be provided under this subchapter by such agency will be enhanced as a result of such contract or such relationship; and

(E) on the request of the Assistant Secretary or the State, for the purpose of monitoring compliance with this chapter (including conducting an audit), disclose all sources and expenditures of funds such agency receives or expends to provide services to older individuals;

(14) provide assurances that preference in receiving services under this subchapter will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this subchapter;

(15) provide assurances that funds received under this subchapter will be used—

(A) to provide benefits and services to older individuals, giving priority to older in-

dividuals identified in paragraph (4)(A)(i); and

(B) in compliance with the assurances specified in paragraph (13) and the limitations specified in section 3020c of this title;

(16) provide, to the extent feasible, for the furnishing of services under this chapter, consistent with self-directed care; and

(17) include information detailing how the area agency on aging will coordinate activities, and develop long-range emergency preparedness plans, with local and State emergency response agencies, relief organizations, local and State governments, and any other institutions that have responsibility for disaster relief service delivery.

(b) Assessment of preparation of area agencies

(1) An area agency on aging may include in the area plan an assessment of how prepared the area agency on aging and service providers in the planning and service area are for any anticipated change in the number of older individuals during the 10-year period following the fiscal year for which the plan is submitted.

(2) Such assessment may include—

(A) the projected change in the number of older individuals in the planning and service area;

(B) an analysis of how such change may affect such individuals, including individuals with low incomes, individuals with greatest economic need, minority older individuals, older individuals residing in rural areas, and older individuals with limited English proficiency;

(C) an analysis of how the programs, policies, and services provided by such area agency can be improved, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the planning and service area; and

(D) an analysis of how the change in the number of individuals age 85 and older in the planning and service area is expected to affect the need for supportive services.

(3) An area agency on aging, in cooperation with government officials, State agencies, tribal organizations, or local entities, may make recommendations to government officials in the planning and service area and the State, on actions determined by the area agency to build the capacity in the planning and service area to meet the needs of older individuals for—

(A) health and human services;

(B) land use;

(C) housing;

(D) transportation;

(E) public safety;

(F) workforce and economic development;

(G) recreation;

(H) education;

(I) civic engagement;

(J) emergency preparedness; and

(K) any other service as determined by such agency.

(c) Waiver of requirements

Each State, in approving area agency on aging plans under this section, shall waive the requirement described in paragraph (2) of subsection (a)

³ So in original. The word “and” probably should not appear.

⁴ So in original. The period probably should be a semicolon.

of this section for any category of services described in such paragraph if the area agency on aging demonstrates to the State agency that services being furnished for such category in the area are sufficient to meet the need for such services in such area and had conducted a timely public hearing upon request.

(d) Transportation services; funds

(1) Subject to regulations prescribed by the Assistant Secretary, an area agency on aging designated under section 3025(a)(2)(A) of this title or, in areas of a State where no such agency has been designated, the State agency, may enter into agreements with agencies administering programs under the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.], and titles XIX and XX of the Social Security Act [42 U.S.C. 1396 et seq., 1397 et seq.] for the purpose of developing and implementing plans for meeting the common need for transportation services of individuals receiving benefits under such Acts and older individuals participating in programs authorized by this subchapter.

(2) In accordance with an agreement entered into under paragraph (1), funds appropriated under this subchapter may be used to purchase transportation services for older individuals and may be pooled with funds made available for the provision of transportation services under the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.], and titles XIX and XX of the Social Security Act [42 U.S.C. 1396 et seq., 1397 et seq.].

(e) Confidentiality of information relating to legal assistance

An area agency on aging may not require any provider of legal assistance under this subchapter to reveal any information that is protected by the attorney-client privilege.

(f) Withholding of area funds

(1) If the head of a State agency finds that an area agency on aging has failed to comply with Federal or State laws, including the area plan requirements of this section, regulations, or policies, the State may withhold a portion of the funds to the area agency on aging available under this subchapter.

(2)(A) The head of a State agency shall not make a final determination withholding funds under paragraph (1) without first affording the area agency on aging due process in accordance with procedures established by the State agency.

(B) At a minimum, such procedures shall include procedures for—

- (i) providing notice of an action to withhold funds;
- (ii) providing documentation of the need for such action; and
- (iii) at the request of the area agency on aging, conducting a public hearing concerning the action.

(3)(A) If a State agency withholds the funds, the State agency may use the funds withheld to directly administer programs under this subchapter in the planning and service area served by the area agency on aging for a period not to exceed 180 days, except as provided in subparagraph (B).

(B) If the State agency determines that the area agency on aging has not taken corrective

action, or if the State agency does not approve the corrective action, during the 180-day period described in subparagraph (A), the State agency may extend the period for not more than 90 days.

(Pub. L. 89-73, title III, §306, as added Pub. L. 95-478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1522; amended Pub. L. 97-115, §§3(d), 6, Dec. 29, 1981, 95 Stat. 1597, 1598; Pub. L. 98-459, title III, §306, Oct. 9, 1984, 98 Stat. 1774; Pub. L. 100-175, title I, §§104(c), 125-127, 130(a), 131(a), 132(b), 133, 134(a)(2), (b), 135, 136(b), 137(a), 140(b), 141(b), 143(b), 144(c), 155(e)(1), 182(e)(3), (i), (j), Nov. 29, 1987, 101 Stat. 930, 934, 938-944, 946, 947, 949, 952, 965; Pub. L. 100-628, title VII, §705(5), Nov. 7, 1988, 102 Stat. 3247; Pub. L. 102-375, title I, §102(b)(4), (10)(C), (E), title III, §306, title IX, §904(a)(12), Sept. 30, 1992, 106 Stat. 1201, 1202, 1223, 1307; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 105-285, title II, §202(a), Oct. 27, 1998, 112 Stat. 2755; Pub. L. 106-501, title III, §305, Nov. 13, 2000, 114 Stat. 2240; Pub. L. 109-365, title III, §306, Oct. 17, 2006, 120 Stat. 2540.)

REFERENCES IN TEXT

The Economic Opportunity Act of 1964, referred to in subsec. (a)(6)(C)(ii)(I), is Pub. L. 88-452, Aug. 20, 1964, 78 Stat. 508, as amended, which was classified generally to chapter 34 (§2701 et seq.) of this title prior to repeal, except for titles VIII and X, by Pub. L. 97-35, title VI, §683(a), Aug. 13, 1981, 95 Stat. 519. Titles VIII and X of the Act are classified generally to subchapters VIII (§2991 et seq.) and X (§2996 et seq.) of chapter 34 of this title. Section 210 of the Act was classified to section 2790 of this title prior to repeal by Pub. L. 97-35. For complete classification of this Act to the Code, see Tables.

The Social Security Act, referred to in subsec. (d), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles XIX and XX of the Act are classified generally to subchapters XIX (§1396 et seq.) and XX (§1397 et seq.), respectively, of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (d), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified generally to chapter 16 (§701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

PRIOR PROVISIONS

A prior section 3026, Pub. L. 89-73, title III, §306, as added Pub. L. 93-29, title III, §301, May 3, 1973, 87 Stat. 43; amended Pub. L. 94-135, title I, §107, Nov. 28, 1975, 89 Stat. 716, related to the planning, coordination, evaluation, and administration of State plans, prior to the general amendment of this subchapter by Pub. L. 95-478. See section 3028 of this title.

Provisions similar to those comprising this section were contained in Pub. L. 89-73, title III, §304, as added Pub. L. 93-29, title III, §301, May 3, 1973, 87 Stat. 38; amended Pub. L. 94-135, title I, §§105, 106(c), Nov. 28, 1975, 89 Stat. 715, 716, which was classified to section 3024 of this title prior to repeal by Pub. L. 95-478.

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-365, §306(1)(A)(iii), which directed the insertion of “the number of older individuals at risk for institutional placement residing in such area,” after “individuals) residing in such area,” was executed by making the insertion after “individuals residing in rural areas) residing in such area,” to reflect the probable intent of Congress and amendments by Pub. L. 106-501, §305(a)(1) and Pub. L. 109-365, §306(1)(A)(ii). See notes below.

Pub. L. 109-365, §306(1)(A)(ii), which directed the substitution of “(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)” for “(with particular attention to low-income minority individuals)”, was executed by making the substitution for “(with particular attention to low-income minority individuals and older individuals residing in rural areas)” the second place that phrase appeared, to reflect the probable intent of Congress and amendment by Pub. L. 106-501, §305(a)(1). See 2000 Amendment note below.

Pub. L. 109-365, §306(1)(A)(i), substituted “(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)” for “(with particular attention to low-income minority individuals and older individuals residing in rural areas)”, the first place that phrase appeared.

Subsec. (a)(2)(A). Pub. L. 109-365, §306(1)(B), inserted “health services (including mental health services),” after “transportation,” and “(which may include information and assistance to consumers on availability of services under part B and how to receive benefits under and participate in publicly supported programs for which the consumer may be eligible)” after “information and assistance”.

Subsec. (a)(4)(A)(i). Pub. L. 109-365, §306(1)(C)(i)(I), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: “provide assurances that the area agency on aging will set specific objectives for providing services to older individuals with greatest economic need and older individuals with greatest social need, include specific objectives for providing services to low-income minority individuals and older individuals residing in rural areas, and include proposed methods of carrying out the preference in the area plan;”.

Subsec. (a)(4)(A)(ii). Pub. L. 109-365, §306(1)(C)(i)(II), inserted “, older individuals with limited English proficiency,” after “low-income minority individuals” in subcls. (I) to (III).

Subsec. (a)(4)(B). Pub. L. 109-365, §306(1)(C)(ii)(I), realigned margins.

Subsec. (a)(4)(B)(i)(V). Pub. L. 109-365, §306(1)(C)(ii)(II)(aa), substituted “with limited English proficiency,” for “with limited English-speaking ability; and”.

Subsec. (a)(4)(B)(i)(VI). Pub. L. 109-365, §306(1)(C)(ii)(II)(bb), substituted “and related” for “or related”.

Subsec. (a)(4)(B)(i)(VII). Pub. L. 109-365, §306(1)(C)(ii)(II)(cc), added subcl. (VII).

Subsec. (a)(5). Pub. L. 109-365, §306(1)(D), inserted “and individuals at risk for institutional placement” after “severe disabilities”.

Subsec. (a)(6)(C)(iii). Pub. L. 109-365, §306(1)(E)(i), added cl. (iii).

Subsec. (a)(6)(D). Pub. L. 109-365, §306(1)(E)(ii), inserted “family caregivers of such individuals,” after “chapter,” and “service providers, representatives of the business community,” after “older individuals,”.

Subsec. (a)(6)(F). Pub. L. 109-365, §306(1)(E)(iii), amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: “coordinate any mental health services provided with funds expended by the area agency on aging for part B of this subchapter with the mental health services provided by community health centers and by other public agencies and non-profit private organizations; and”.

Subsec. (a)(7). Pub. L. 109-365, §306(1)(F), amended par. (7) generally. Prior to amendment, par. (7) read as follows: “provide that the area agency on aging will facilitate the coordination of community-based, long-term care services designed to enable older individuals to remain in their homes, by means including—

“(A) development of case management services as a component of the long-term care services, consistent with the requirements of paragraph (8);

“(B) involvement of long-term care providers in the coordination of such services; and

“(C) increasing community awareness of and involvement in addressing the needs of residents of long-term care facilities;”.

Subsec. (a)(14) to (17). Pub. L. 109-365, §306(1)(G)–(I), added pars. (15) to (17), redesignated former par. (16) as (14), and struck out former pars. (14) and two pars. (15) which read as follows:

“(14) provide assurances that funds received under this subchapter will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this subchapter; and

“(15) provide assurances that preference in receiving services under this subchapter will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this subchapter.

“(15) provide assurances that funds received under this subchapter will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this subchapter;”.

Subsecs. (b) to (f). Pub. L. 109-365, §306(2), (3), added subsec. (b) and redesignated former subsecs. (b) to (e) as (c) to (f), respectively.

2000—Subsec. (a)(1). Pub. L. 106-501, §305(a)(1), inserted “and older individuals residing in rural areas” after “low-income minority individuals” in two places.

Subsec. (a)(2). Pub. L. 106-501, §305(a)(2)(A), (C), in introductory provisions substituted “section 3027(a)(2)” for “section 3027(a)(22)” and, in concluding provisions, substituted “and assurances that the area agency on aging will report annually to the State agency” for “and specify annually in such plan, as submitted or as amended,”.

Subsec. (a)(2)(B). Pub. L. 106-501, §305(a)(2)(B), substituted “services, including” for “services (homemaker and home health aide, visiting and telephone reassurance, chore maintenance, and,”.

Subsec. (a)(3)(A). Pub. L. 106-501, §305(a)(3), substituted “paragraph (6)(C)” for “paragraph (6)(E)(ii)”.

Subsec. (a)(4). Pub. L. 106-501, §305(a)(4), redesignated par. (5) as (4) and struck out former par. (4) which read as follows: “provide for the establishment and maintenance of information and assistance services in sufficient numbers to assure that all older individuals within the planning and service area covered by the plan will have reasonably convenient access to such services, with particular emphasis on linking services available to isolated older individuals and older individuals with Alzheimer’s disease or related disorders with neurological and organic brain dysfunction (and the caretakers of individuals with such disease or disorders);”.

Subsec. (a)(4)(A)(i). Pub. L. 106-501, §305(a)(5), inserted “and older individuals residing in rural areas” after “low-income minority individuals”.

Subsec. (a)(4)(A)(ii)(I) to (III). Pub. L. 106-501, §305(a)(6), inserted “and older individuals residing in rural areas” after “low-income minority individuals”.

Subsec. (a)(4)(B)(i)(II), (III). Pub. L. 106-501, §305(a)(7), inserted “and older individuals residing in rural areas” after “low-income minority individuals”.

Subsec. (a)(4)(C). Pub. L. 106-501, §305(a)(8), inserted “and older individuals residing in rural areas” after “low-income minority older individuals”.

Subsec. (a)(5). Pub. L. 106-501, §305(a)(9), added par. (5). Former par. (5) redesignated (4).

Subsec. (a)(6)(A). Pub. L. 106-501, §305(a)(10)(A), (B), redesignated subpar. (C) as (A) and struck out former subpar. (A) which read as follows: “conduct periodic evaluations of, and public hearings on, activities carried out under the area plan and an annual evaluation of the effectiveness of outreach conducted under paragraph (5)(B);”.

Subsec. (a)(6)(B). Pub. L. 106-501, §305(a)(10)(A), (B), redesignated subpar. (D) as (B) and struck out former

subpar. (B) which read as follows: “furnish appropriate technical assistance, and timely information in a timely manner, to providers of supportive services, nutrition services, or multipurpose senior centers in the planning and service area covered by the area plan;”.

Subsec. (a)(6)(C). Pub. L. 106-501, § 305(a)(10)(B), (C), redesignated subpar. (E) as (C) and substituted “, assistance to older individuals caring for relatives who are children” for “or adults” in cl. (i). Former subpar. (C) redesignated (A).

Subsec. (a)(6)(D). Pub. L. 106-501, § 305(a)(10)(B), (D), redesignated subpar. (F) as (D) and inserted “and older individuals residing in rural areas” after “minority individuals”. Former subpar. (D) redesignated (B).

Subsec. (a)(6)(E). Pub. L. 106-501, § 305(a)(10)(B), redesignated subpar. (H) as (E). Former subpar. (E) redesignated (C).

Subsec. (a)(6)(F). Pub. L. 106-501, § 305(a)(10)(B), (E), redesignated subpar. (M) as (F) and inserted “and” after semicolon at end. Former subpar. (F) redesignated (D).

Subsec. (a)(6)(G). Pub. L. 106-501, § 305(a)(10)(A), (B), redesignated subpar. (N) as (G) and struck out former subpar. (G) which read as follows: “develop and publish methods by which priority of services is determined, particularly with respect to the delivery of services under paragraph (2);”.

Subsec. (a)(6)(H). Pub. L. 106-501, § 305(a)(10)(B), redesignated subpar. (H) as (E).

Subsec. (a)(6)(I) to (L). Pub. L. 106-501, § 305(a)(10)(A), struck out subpars. (I) to (L) which read as follows:

“(I) conduct efforts to facilitate the coordination of community-based, long-term care services designed to retain individuals in their homes, thereby deferring unnecessary, costly institutionalization, and designed to include the development of case management services as a component of the long-term care services;

“(J) identify the public and private nonprofit entities involved in the prevention, identification, and treatment of the abuse, neglect, and exploitation of older individuals, and based on such identification, determine the extent to which the need for appropriate services for such individuals is unmet;

“(K) facilitate the involvement of long-term care providers in the coordination of community-based long-term care services and work to ensure community awareness of and involvement in addressing the needs of residents of long-term care facilities;

“(L) coordinate the categories of services specified in paragraph (2) for which the area agency on aging is required to expend funds under part B of this subchapter, with activities of community-based organizations established for the benefit of victims of Alzheimer’s disease and the families of such victims;”.

Subsec. (a)(6)(M), (N). Pub. L. 106-501, § 305(a)(10)(B), redesignated subpars. (M) and (N) as (F) and (G), respectively.

Subsec. (a)(6)(O) to (S). Pub. L. 106-501, § 305(a)(10)(A), struck out subpars. (O) to (S) which provided that each area plan provide that the area agency on aging would: in subpar. (O), compile information on institutions of higher education in planning and service area, in subpar. (P), establish grievance procedure for older individuals dissatisfied with or denied services under this subchapter, in subpar. (Q), enter into voluntary arrangements with nonprofit entities that provide housing to older individuals, in subpar. (R), list telephone number of agency in each telephone directory published by provider of local telephone service, for residents in any geographical area that lay in whole or in part in service and planning area served by agency, and, in subpar. (S), identify needs of older individuals and describe methods area agency on aging would use to coordinate planning and delivery of transportation services to assist older individuals, including those with special needs.

Subsec. (a)(7) to (12). Pub. L. 106-501, § 305(a)(11), added pars. (7) to (12) and struck out former pars. (7) to (12) which required each area plan: in pars. (7) to (10): to provide assurances that any amount received under

parts D to G of this subchapter would be expended in accordance with such parts, in par. (11) to provide assurances that the area agency on aging, in carrying out the State Long-Term Care Ombudsman program under section 3027(a)(12) of this title, would expend not less than the amount of funds expended in fiscal year 1991, and, in par. (12), to provide an area volunteer services coordinator in the discretion of the area agency on aging.

Subsec. (a)(13). Pub. L. 106-501, § 305(a)(11), (12), redesignated par. (14) as (13) and struck out former par. (13) which read as follows:

“(13)(A) describe all activities of the area agency on aging, whether funded by public or private funds; and

“(B) provide an assurance that the activities conform with—

“(i) the responsibilities of the area agency on aging, as set forth in this subsection; and

“(ii) the laws, regulations, and policies of the State served by the area agency on aging;”.

Subsec. (a)(14). Pub. L. 106-501, § 305(a)(13), added par. (14). Former par. (14) redesignated (13).

Subsec. (a)(15). Pub. L. 106-501, § 305(a)(13), added par. (15) relating to assurances that preference in receiving services under this subchapter would not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship not being carried out to implement this subchapter.

Subsec. (a)(17) to (20). Pub. L. 106-501, § 305(a)(14), struck out pars. (17) to (20) which required each area plan to provide: in par. (17), assurances that projects in the planning and service area would reasonably accommodate particular dietary needs of participants, in par. (18), assurances that the area agency on aging would coordinate its services under this subchapter with services provided under subchapter X of this chapter, in par. (19), assurance that the area agency on aging would pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, and, in par. (20), that case management services provided under this subchapter through the area agency on aging would be coordinated with and not duplicate other Federal and State programs and would be provided by a public agency or a nonprofit private agency either not providing services other than case management services or located in a rural area and having obtained a waiver of that requirement.

Subsec. (b). Pub. L. 106-501, § 305(b), struck out par. (1) designation before “Each State”, inserted “and had conducted a timely public hearing upon request” before period at end, and struck out par. (2) which related to public notice and hearing requirements applicable to an area agency on aging before it could request a waiver of the requirement described in subsec. (a)(2) and requirements of a State agency with regard to granting the waiver to an area agency on aging.

1998—Subsec. (a)(6)(E)(ii). Pub. L. 105-285 substituted “section 9910 of this title” for “section 9904(c)(3) of this title” in concluding provisions.

1993—Subsecs. (a)(6)(R)(iii), (14)(B), (E), (b)(2)(D), (c)(1). Pub. L. 103-171 substituted “Assistant Secretary” for “Commissioner”.

1992—Subsec. (a)(1). Pub. L. 102-375, § 904(a)(12)(A)(i), inserted “individuals who are” before “Indians”.

Subsec. (a)(2)(A). Pub. L. 102-375, § 306(a), substituted “, information and assistance, and case management services” for “, and information and assistance”.

Pub. L. 102-375, § 102(b)(4), substituted “information and assistance” for “information and referral”.

Subsec. (a)(2)(B). Pub. L. 102-375, § 904(a)(12)(A)(ii), substituted “older individuals who are” for “elderly”.

Subsec. (a)(3). Pub. L. 102-375, § 306(b), designated existing provisions as subpar. (A), inserted “(including multipurpose senior centers operated by organizations referred to in paragraph (6)(E)(ii))” after “centers”, and added subpar. (B).

Subsec. (a)(4). Pub. L. 102-375, § 306(c)(1), inserted before semicolon at end “, with particular emphasis on linking services available to isolated older individuals

and older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of individuals with such disease or disorders)".

Pub. L. 102-375, §102(b)(4), substituted "information and assistance" for "information and referral".

Subsec. (a)(5)(A)(i). Pub. L. 102-375, §904(a)(12)(A)(iii), substituted "greatest economic need and older individuals with greatest social need" for "the greatest economic or social needs".

Pub. L. 102-375, §306(c)(2)(A)(i), substituted "the area agency on aging will set specific objectives for" for "preference will be given to" and "include specific objectives for providing services" for "with particular attention".

Subsec. (a)(5)(A)(ii). Pub. L. 102-375, §102(b)(10)(C), substituted "area agency on aging" for "area agency".

Subsec. (a)(5)(A)(ii)(I). Pub. L. 102-375, §306(c)(2)(A)(ii)(I), struck out "and" at end.

Subsec. (a)(5)(ii)(II). Pub. L. 102-375, §306(c)(2)(A)(ii)(II), amended subcl. (II) generally. Prior to amendment, subcl. (II) read as follows: "attempt to provide services to low-income minority individuals in at least the same proportion as the population of low-income minority older individuals bears to the population of older individuals of the area served by such provider; and".

Subsec. (a)(5)(A)(ii)(III). Pub. L. 102-375, §306(c)(2)(A)(ii)(III), added subcl. (III).

Subsec. (a)(5)(A)(iii)(III). Pub. L. 102-375, §306(c)(2)(A)(iii), added subcl. (III).

Subsec. (a)(5)(B). Pub. L. 102-375, §306(c)(2)(B), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "assure the use of outreach efforts that will identify individuals eligible for assistance under this chapter, with special emphasis on rural elderly, older individuals who have greatest economic need (with particular attention to low-income minority individuals), older individuals who have greatest social need (with particular attention to low-income minority individuals), and older individuals with severe disabilities, and inform such individuals of the availability of such assistance;".

Subsec. (a)(5)(C). Pub. L. 102-375, §306(c)(2)(C), added subpar. (C).

Subsec. (a)(6)(B). Pub. L. 102-375, §306(d)(1), inserted ", and timely information in a timely manner," after "assistance".

Subsec. (a)(6)(D). Pub. L. 102-375, §904(a)(12)(A)(iv)(I), substituted "older individuals" for "the elderly" in two places.

Pub. L. 102-375, §306(d)(2), inserted "(in cooperation with agencies, organizations, and individuals participating in activities under the plan)" after "community by".

Subsec. (a)(6)(E). Pub. L. 102-375, §306(d)(3), designated existing provisions as cl. (i) and added cl. (ii).

Subsec. (a)(6)(F). Pub. L. 102-375, §102(b)(10)(C), substituted "area agency on aging" for "area agency".

Subsec. (a)(6)(G). Pub. L. 102-375, §904(a)(12)(A)(iv)(II), substituted "paragraph" for "clause".

Subsec. (a)(6)(H). Pub. L. 102-375, §306(d)(4), amended subpar. (H) generally. Prior to amendment, subpar. (H) read as follows: "establish effective and efficient procedures for coordination between the programs assisted under this subchapter and programs described in section 3013(b) of this title;".

Subsec. (a)(6)(I). Pub. L. 102-375, §306(d)(5), substituted "include the development of case management services as a component of the long-term care services" for "emphasize the development of client-centered case management systems as a component of such services".

Subsec. (a)(6)(N). Pub. L. 102-375, §904(a)(12)(A)(iv)(IV), which directed substitution of "such individuals in such area and shall inform such individuals" for "elder Indians in such area and shall inform such older Indians", was executed by making the substitution for "older Indians in such area and shall inform such older Indians" to reflect the probable intent of Congress.

Pub. L. 102-375, §§102(b)(10)(E), 904(a)(12)(A)(iv)(III), substituted "population of older individuals who are Indians" for "population of older Indians" and "area agency on aging" for "area agency" in two places.

Subsec. (a)(6)(O)(ii). Pub. L. 102-375, §306(d)(6), struck out "and" at end.

Subsec. (a)(6)(P) to (S). Pub. L. 102-375, §306(d)(7), (8), added subpars. (P) to (S) and struck out former subpar. (P) which read as follows: "with funds and information received under section 3027(a)(31) of this title from the State agency—

"(i) carry out activities to identify older individuals with greatest economic need who may be eligible to receive, but are not receiving, supplemental security income benefits under title XVI of the Social Security Act (or assistance under a State plan program under title XVI of that Act), medical assistance under title XIX of the Social Security Act, and benefits under the Food Stamp Act of 1977;

"(ii) conduct outreach activities to inform older individuals of the requirements for eligibility to receive such assistance and such benefits; and

"(iii) assist older individuals to apply for such assistance and such benefits;".

Subsec. (a)(11). Pub. L. 102-375, §306(e), added par. (11).

Subsec. (a)(12) to (20). Pub. L. 102-375, §306(f), added pars. (12) to (20).

Subsec. (b)(1). Pub. L. 102-375, §904(a)(12)(B)(i), inserted "on aging" before "plans" and substituted "paragraph" for "clause" in two places.

Subsec. (b)(2)(C). Pub. L. 102-375, §102(b)(10)(C), substituted "area agency on aging" for "area agency".

Subsec. (b)(2)(D). Pub. L. 102-375, §904(a)(12)(B)(ii), substituted "paragraph" for "clause".

Subsec. (e). Pub. L. 102-375, §306(g), added subsec. (e). 1988—Subsec. (a)(1). Pub. L. 100-628 substituted "such area," for "such area," before "and the number of older Indians".

1987—Subsec. (a). Pub. L. 100-175, §182(e)(3), struck out last sentence which read as follows: "For purposes of clause (5)(A), the term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census and the term 'greatest social need' means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threaten his or her capacity to live independently."

Subsec. (a)(1). Pub. L. 100-175, §134(a)(2), inserted ", and the number of older Indians residing in such area," before last reference to "and" in parenthetical.

Pub. L. 100-175, §132(b)(1), inserted ", the number of older individuals who have greatest economic need (with particular attention to low-income minority individuals) residing in such area," after "residing in such area".

Subsec. (a)(2). Pub. L. 100-175, §130(a)(1), inserted ", as required under section 3027(a)(22) of this title," after "adequate proportion".

Subsec. (a)(2)(B). Pub. L. 100-175, §182(j), substituted "related disorders with neurological and organic brain dysfunction" for "other neurological and organic brain disorders of the Alzheimer's type".

Subsec. (a)(5)(A). Pub. L. 100-175, §131(a), designated existing provisions as cl. (i) and added cls. (ii) and (iii).

Subsec. (a)(5)(B). Pub. L. 100-175, §136(b), inserted "and older individuals with severe disabilities," after second reference to "individuals,".

Pub. L. 100-175, §132(b)(2), inserted "older individuals who have greatest economic need (with particular attention to low-income minority individuals), older individuals who have greatest social need (with particular attention to low-income minority individuals)," after "rural elderly".

Subsec. (a)(6)(A). Pub. L. 100-175, §§125, 132(b)(3), inserted ", and public hearings on," after "evaluations

of” and “and an annual evaluation of the effectiveness of outreach conducted under paragraph (5)(B)” before semicolon at end.

Subsec. (a)(6)(E). Pub. L. 100-175, §126, inserted “or adults, and respite for families,” after “for children” and “, adults, and families” after “to children”.

Subsec. (a)(6)(F). Pub. L. 100-175, §104(c), inserted “providers of veterans’ health care (if appropriate),” after “elected officials,”.

Subsec. (a)(6)(G). Pub. L. 100-175, §182(i), struck out “and” after “clause (2);”.

Subsec. (a)(6)(L). Pub. L. 100-175, §127, added subpar. (L).

Subsec. (a)(6)(M). Pub. L. 100-175, §133, added subpar. (M).

Subsec. (a)(6)(N). Pub. L. 100-175, §134(b), added subpar. (N).

Subsec. (a)(6)(O). Pub. L. 100-175, §135, added subpar. (O).

Subsec. (a)(6)(P). Pub. L. 100-175, §155(e)(1), added subpar. (P).

Subsec. (a)(7). Pub. L. 100-175, §140(b), added par. (7).

Subsec. (a)(8). Pub. L. 100-175, §141(b), added par. (8).

Subsec. (a)(9). Pub. L. 100-175, §143(b), added par. (9).

Subsec. (a)(10). Pub. L. 100-175, §144(c), added par. (10).

Subsec. (b)(2)(C), (D). Pub. L. 100-175, §130(a)(2), added subpars. (C) and (D).

Subsec. (d). Pub. L. 100-175, §137(a), added subsec. (d). 1984—Subsec. (a). Pub. L. 98-459, §306(a)(5)(E), inserted provisions defining “greatest economic need” and “greatest social need” following par. (6).

Subsec. (a)(1). Pub. L. 98-459, §306(a)(1), inserted “and the efforts of voluntary organizations in the community”.

Subsec. (a)(2). Pub. L. 98-459, §306(a)(2)(A), inserted “each of the following categories of services” in provisions preceding subpar. (A).

Pub. L. 98-459, §306(a)(2)(D), substituted “and specify annually in such plan, as submitted or as amended, in detail the amount of funds expended for each such category during the fiscal year most recently concluded” for “and that some funds will be expended for each such category of services” in provisions following subpar. (C).

Subsec. (a)(2)(B). Pub. L. 98-459, §306(a)(2)(B), substituted “chore maintenance, and supportive services for families of elderly victims of Alzheimer’s disease and other neurological and organic brain disorders of the Alzheimer’s type” for “and chore maintenance”.

Subsec. (a)(2)(C). Pub. L. 98-459, §306(a)(2)(C), substituted “legal assistance” for “legal services”.

Subsec. (a)(3). Pub. L. 98-459, §306(a)(3), substituted “, giving special consideration” for “to encourage the maximum collocation and coordination of services for older individuals, and give special consideration”.

Subsec. (a)(5)(A). Pub. L. 98-459, §306(a)(4), inserted “, with particular attention to low-income minority individuals,”.

Subsec. (a)(6)(F). Pub. L. 98-459, §306(a)(5)(A), (B), (D), redesignated subpar. (G) as (F), substituted “consisting of older individuals (including minority individuals)” for “consisting of older individuals”, and struck out former subpar. (F) which had required the area agency on aging to enter, where possible, into arrangements with local educational agencies, institutions of higher education, and nonprofit private organizations, to use services provided for older individuals under the community schools program under the Elementary and Secondary Education Act of 1965.

Subsec. (a)(6)(G), (H). Pub. L. 98-459, §306(a)(5)(D), redesignated subpars. (H) and (I) as (G) and (H), respectively. Former subpar. (G) redesignated (F).

Subsec. (a)(6)(I). Pub. L. 98-459, §306(a)(5)(C)–(E), added subpar. (I). Former subpar. (I) redesignated (H).

Subsec. (a)(6)(J), (K). Pub. L. 98-459, §306(a)(5)(E), added subpars. (J) and (K).

Subsec. (b). Pub. L. 98-459, §306(b), designated existing provisions as par. (1) and added par. (2).

1981—Subsec. (a). Pub. L. 97-115, §§3(d), 6(a), (b), substituted “for a two-, three-, or four-year period deter-

mined by the State agency,” for “for a 3-year period” in provisions preceding par. (1), substituted “supportive services” for “social services” in par. (1) in three places, substituted “an adequate portion” for “at least 50 percent” in provisions of par. (2) preceding subpar. (A), and substituted “supportive services” for “social services” in par. (6)(B).

Subsec. (b). Pub. L. 97-115, §6(c), struck out par. (1) providing that each State, in approving area agency plans under this section, could, for fiscal years 1979 and 1980, waive any particular requirement relating to the delivery of services or the establishment or operation of multipurpose senior centers which such agency could not meet because of the consolidation authorized by the Comprehensive Older Americans Act Amendments of 1978, except that the State agency could grant such a waiver only if the area agency demonstrated to the State agency that it was taking steps to meet the requirements of this subchapter, but that in any event the State agency could not grant a waiver for any requirement of this chapter in effect on Sept. 30, 1978, struck out par. (2) designation, made mandatory the formerly discretionary waiver by each State, in approving area agency plans under this section, of the requirement described in clause (2) of subsection (a) of this section for any category of services described in such clause if the area agency on aging demonstrates to the State agency that services being furnished for such category in the area are sufficient to meet the need for such services in such area, and struck out provisions that if the State agency granted a waiver with respect to any category, then the area agency had to expend under clause (2) of subsection (a) of this section a percentage of the amount allotted for part B to the planning and service area, for the categories with respect to which such waiver did not apply, that had been agreed upon by the State agency and the area agency.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 306 of Pub. L. 102-375 inapplicable with respect to fiscal year 1993, see section 4(b) of Pub. L. 103-171, set out as a note under section 3001 of this title.

Amendment by section 306 of Pub. L. 102-375 inapplicable with respect to fiscal year 1992, see section 905(b)(2) of Pub. L. 102-375, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, except not applicable with respect to any area plan submitted under section 3026(a) of this title or any State plan submitted under section 3027(a) of this title and approved for any fiscal year beginning before Nov. 29, 1987, see section 701(a), (b) of Pub. L. 100-175, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-459 effective Oct. 9, 1984, see section 803(a) of Pub. L. 98-459, set out as a note under section 3001 of this title.

REFERENCE TO COMMUNITY, MIGRANT, PUBLIC HOUSING, OR HOMELESS HEALTH CENTER CONSIDERED REFERENCE TO HEALTH CENTER

Reference to community health center, migrant health center, public housing health center, or homeless health center considered reference to health center, see section 4(c) of Pub. L. 104-299, set out as a note under section 254b of this title.

IMPLEMENTATION INFORMATION

Section 155(g) of Pub. L. 100-175 directed Commissioner on Aging, not later than Sept. 1, 1988, to analyze and compile information on successful and unsuccessful activities carried out to conduct outreach of the type described in 42 U.S.C. 3026(a)(6)(P) and distribute such information to State agencies on aging for dissemination to interested area agencies on aging to assist such area agencies in designing outreach activities.

EVALUATION OF GUIDELINES

Section 155(h) of Pub. L. 100-175 directed Commissioner on Aging to issue guidelines to be followed by State agencies on aging and area agencies on aging in conducting evaluations of outreach activities carried out under former subsec. (a)(6)(P) of this section that would ensure that such evaluations are based on uniform criteria that provide a basis for the valid comparison of such outreach activities conducted by the various area agencies.

§ 3027. State plans**(a) Criteria for eligibility; contents**

Except as provided in the succeeding sentence and section 3029(a) of this title, each State, in order to be eligible for grants from its allotment under this subchapter for any fiscal year, shall submit to the Assistant Secretary a State plan for a two-, three-, or four-year period determined by the State agency, with such annual revisions as are necessary, which meets such criteria as the Assistant Secretary may by regulation prescribe. If the Assistant Secretary determines, in the discretion of the Assistant Secretary, that a State failed in 2 successive years to comply with the requirements under this subchapter, then the State shall submit to the Assistant Secretary a State plan for a 1-year period that meets such criteria, for subsequent years until the Assistant Secretary determines that the State is in compliance with such requirements. Each such plan shall comply with all of the following requirements:

(1) The plan shall—

(A) require each area agency on aging designated under section 3025(a)(2)(A) of this title to develop and submit to the State agency for approval, in accordance with a uniform format developed by the State agency, an area plan meeting the requirements of section 3026 of this title; and

(B) be based on such area plans.

(2) The plan shall provide that the State agency will—

(A) evaluate, using uniform procedures described in section 3012(a)(29)¹ of this title, the need for supportive services (including legal assistance pursuant to subsection (a)(11) of this section, information and assistance, and transportation services), nutrition services, and multipurpose senior centers within the State;

(B) develop a standardized process to determine the extent to which public or private programs and resources (including volunteers and programs and services of voluntary organizations) that have the capacity and actually meet such need;

(C) specify a minimum proportion of the funds received by each area agency on aging in the State to carry out part B of this subchapter that will be expended (in the absence of a waiver under section 3026(c) or 3030c-3 of this title) by such area agency on aging to provide each of the categories of services specified in section 3026(a)(2) of this title.

(3) The plan shall—

(A) include (and may not be approved unless the Assistant Secretary approves) the statement and demonstration required by paragraphs (2) and (4) of section 3025(d) of this title (concerning intrastate distribution of funds); and

(B) with respect to services for older individuals residing in rural areas—

(i) provide assurances that the State agency will spend for each fiscal year, not less than the amount expended for such services for fiscal year 2000;

(ii) identify, for each fiscal year to which the plan applies, the projected costs of providing such services (including the cost of providing access to such services); and

(iii) describe the methods used to meet the needs for such services in the fiscal year preceding the first year to which such plan applies.

(4) The plan shall provide that the State agency will conduct periodic evaluations of, and public hearings on, activities and projects carried out in the State under this subchapter and subchapter XI of this chapter, including evaluations of the effectiveness of services provided to individuals with greatest economic need, greatest social need, or disabilities (with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas).

(5) The plan shall provide that the State agency will—

(A) afford an opportunity for a hearing upon request, in accordance with published procedures, to any area agency on aging submitting a plan under this subchapter, to any provider of (or applicant to provide) services;

(B) issue guidelines applicable to grievance procedures required by section 3026(a)(10) of this title; and

(C) afford an opportunity for a public hearing, upon request, by any area agency on aging, by any provider of (or applicant to provide) services, or by any recipient of services under this subchapter regarding any waiver request, including those under section 3030c-3 of this title.

(6) The plan shall provide that the State agency will make such reports, in such form, and containing such information, as the Assistant Secretary may require, and comply with such requirements as the Assistant Secretary may impose to insure the correctness of such reports.

(7)(A) The plan shall provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this subchapter to the State, including any such funds paid to the recipients of a grant or contract.

(B) The plan shall provide assurances that—

(i) no individual (appointed or otherwise) involved in the designation of the State agency or an area agency on aging, or in the designation of the head of any subdivision of the State agency or of an area agency on

¹ See References in Text note below.

aging, is subject to a conflict of interest prohibited under this chapter;

(ii) no officer, employee, or other representative of the State agency or an area agency on aging is subject to a conflict of interest prohibited under this chapter; and

(iii) mechanisms are in place to identify and remove conflicts of interest prohibited under this chapter.

(8)(A) The plan shall provide that no supportive services, nutrition services, or in-home services will be directly provided by the State agency or an area agency on aging in the State, unless, in the judgment of the State agency—

(i) provision of such services by the State agency or the area agency on aging is necessary to assure an adequate supply of such services;

(ii) such services are directly related to such State agency's or area agency on aging's administrative functions; or

(iii) such services can be provided more economically, and with comparable quality, by such State agency or area agency on aging.

(B) Regarding case management services, if the State agency or area agency on aging is already providing case management services (as of the date of submission of the plan) under a State program, the plan may specify that such agency is allowed to continue to provide case management services.

(C) The plan may specify that an area agency on aging is allowed to directly provide information and assistance services and outreach.

(9) The plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in accordance with section 3058g of this title and this subchapter, and will expend for such purpose an amount that is not less than an amount expended by the State agency with funds received under this subchapter for fiscal year 2000, and an amount that is not less than the amount expended by the State agency with funds received under subchapter XI of this chapter for fiscal year 2000.

(10) The plan shall provide assurances that the special needs of older individuals residing in rural areas will be taken into consideration and shall describe how those needs have been met and describe how funds have been allocated to meet those needs.

(11) The plan shall provide that with respect to legal assistance—

(A) the plan contains assurances that area agencies on aging will (i) enter into contracts with providers of legal assistance which can demonstrate the experience or capacity to deliver legal assistance; (ii) include in any such contract provisions to assure that any recipient of funds under division (i) will be subject to specific restrictions and regulations promulgated under the Legal Services Corporation Act [42 U.S.C. 2996 et seq.] (other than restrictions and regulations governing eligibility for legal as-

sistance under such Act and governing membership of local governing boards) as determined appropriate by the Assistant Secretary; and (iii) attempt to involve the private bar in legal assistance activities authorized under this subchapter, including groups within the private bar furnishing services to older individuals on a pro bono and reduced fee basis;

(B) the plan contains assurances that no legal assistance will be furnished unless the grantee administers a program designed to provide legal assistance to older individuals with social or economic need and has agreed, if the grantee is not a Legal Services Corporation project grantee, to coordinate its services with existing Legal Services Corporation projects in the planning and service area in order to concentrate the use of funds provided under this subchapter on individuals with the greatest such need; and the area agency on aging makes a finding, after assessment, pursuant to standards for service promulgated by the Assistant Secretary, that any grantee selected is the entity best able to provide the particular services;

(C) the State agency will provide for the coordination of the furnishing of legal services to older individuals within the State, and provide advice and technical assistance in the provision of legal services to older individuals within the State and support the furnishing of training and technical assistance for legal services for older individuals;

(D) the plan contains assurances, to the extent practicable, that legal services furnished under the plan will be in addition to any legal services for older individuals being furnished with funds from sources other than this chapter and that reasonable efforts will be made to maintain existing levels of legal services for older individuals; and

(E) the plan contains assurances that area agencies on aging will give priority to legal assistance related to income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and age discrimination.

(12) The plan shall provide, whenever the State desires to provide for a fiscal year for services for the prevention of abuse of older individuals—

(A) the plan contains assurances that any area agency on aging carrying out such services will conduct a program consistent with relevant State law and coordinated with existing State adult protective service activities for—

(i) public education to identify and prevent abuse of older individuals;

(ii) receipt of reports of abuse of older individuals;

(iii) active participation of older individuals participating in programs under this chapter through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance where appropriate and consented to by the parties to be referred; and

(iv) referral of complaints to law enforcement or public protective service agencies where appropriate;

(B) the State will not permit involuntary or coerced participation in the program of services described in this paragraph by alleged victims, abusers, or their households; and

(C) all information gathered in the course of receiving reports and making referrals shall remain confidential unless all parties to the complaint consent in writing to the release of such information, except that such information may be released to a law enforcement or public protective service agency.

(13) The plan shall provide assurances that each State will assign personnel (one of whom shall be known as a legal assistance developer) to provide State leadership in developing legal assistance programs for older individuals throughout the State.

(14) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

(A) identify the number of low-income minority older individuals in the State, including the number of low-income minority older individuals with limited English proficiency; and

(B) describe the methods used to satisfy the service needs of the low-income minority older individuals described in subparagraph (A), including the plan to meet the needs of low-income minority older individuals with limited English proficiency.

(15) The plan shall provide assurances that, if a substantial number of the older individuals residing in any planning and service area in the State are of limited English-speaking ability, then the State will require the area agency on aging for each such planning and service area—

(A) to utilize, in the delivery of outreach services under section 3026(a)(2)(A) of this title, the services of workers who are fluent in the language spoken by a predominant number of such older individuals who are of limited English-speaking ability; and

(B) to designate an individual employed by the area agency on aging, or available to such area agency on aging on a full-time basis, whose responsibilities will include—

(i) taking such action as may be appropriate to assure that counseling assistance is made available to such older individuals who are of limited English-speaking ability in order to assist such older individuals in participating in programs and receiving assistance under this chapter; and

(ii) providing guidance to individuals engaged in the delivery of supportive services under the area plan involved to enable such individuals to be aware of cultural sensitivities and to take into account effectively linguistic and cultural differences.

(16) The plan shall provide assurances that the State agency will require outreach efforts that will—

(A) identify individuals eligible for assistance under this chapter, with special emphasis on—

(i) older individuals residing in rural areas;

(ii) older individuals with greatest economic need (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas);

(iii) older individuals with greatest social need (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas);

(iv) older individuals with severe disabilities;

(v) older individuals with limited English-speaking ability; and

(vi) older individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and

(B) inform the older individuals referred to in clauses (i) through (vi) of subparagraph (A), and the caretakers of such individuals, of the availability of such assistance.

(17) The plan shall provide, with respect to the needs of older individuals with severe disabilities, assurances that the State will coordinate planning, identification, assessment of needs, and service for older individuals with disabilities with particular attention to individuals with severe disabilities with the State agencies with primary responsibility for individuals with disabilities, including severe disabilities, to enhance services and develop collaborative programs, where appropriate, to meet the needs of older individuals with disabilities.

(18) The plan shall provide assurances that area agencies on aging will conduct efforts to facilitate the coordination of community-based, long-term care services, pursuant to section 3026(a)(7) of this title, for older individuals who—

(A) reside at home and are at risk of institutionalization because of limitations on their ability to function independently;

(B) are patients in hospitals and are at risk of prolonged institutionalization; or

(C) are patients in long-term care facilities, but who can return to their homes if community-based services are provided to them.

(19) The plan shall include the assurances and description required by section 3058d(a) of this title.

(20) The plan shall provide assurances that special efforts will be made to provide technical assistance to minority providers of services.

(21) The plan shall—

(A) provide an assurance that the State agency will coordinate programs under this subchapter and programs under subchapter X of this chapter, if applicable; and

(B) provide an assurance that the State agency will pursue activities to increase ac-

cess by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits provided under this subchapter, if applicable, and specify the ways in which the State agency intends to implement the activities.

(22) If case management services are offered to provide access to supportive services, the plan shall provide that the State agency shall ensure compliance with the requirements specified in section 3026(a)(8) of this title.

(23) The plan shall provide assurances that demonstrable efforts will be made—

(A) to coordinate services provided under this chapter with other State services that benefit older individuals; and

(B) to provide multigenerational activities, such as opportunities for older individuals to serve as mentors or advisers in child care, youth day care, educational assistance, at-risk youth intervention, juvenile delinquency treatment, and family support programs.

(24) The plan shall provide assurances that the State will coordinate public services within the State to assist older individuals to obtain transportation services associated with access to services provided under this subchapter, to services under subchapter X of this chapter, to comprehensive counseling services, and to legal assistance.

(25) The plan shall include assurances that the State has in effect a mechanism to provide for quality in the provision of in-home services under this subchapter.

(26) The plan shall provide assurances that funds received under this subchapter will not be used to pay any part of a cost (including an administrative cost) incurred by the State agency or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this subchapter.

(27) The plan shall provide assurances that area agencies on aging will provide, to the extent feasible, for the furnishing of services under this chapter, consistent with self-directed care.

(28)(A) The plan shall include, at the election of the State, an assessment of how prepared the State is, under the State's statewide service delivery model, for any anticipated change in the number of older individuals during the 10-year period following the fiscal year for which the plan is submitted.

(B) Such assessment may include—

(i) the projected change in the number of older individuals in the State;

(ii) an analysis of how such change may affect such individuals, including individuals with low incomes, individuals with greatest economic need, minority older individuals, older individuals residing in rural areas, and older individuals with limited English proficiency;

(iii) an analysis of how the programs, policies, and services provided by the State can be improved, including coordinating with area agencies on aging, and how resource

levels can be adjusted to meet the needs of the changing population of older individuals in the State; and

(iv) an analysis of how the change in the number of individuals age 85 and older in the State is expected to affect the need for supportive services.

(29) The plan shall include information detailing how the State will coordinate activities, and develop long-range emergency preparedness plans, with area agencies on aging, local emergency response agencies, relief organizations, local governments, State agencies responsible for emergency preparedness, and any other institutions that have responsibility for disaster relief service delivery.

(30) The plan shall include information describing the involvement of the head of the State agency in the development, revision, and implementation of emergency preparedness plans, including the State Public Health Emergency Preparedness and Response Plan.

(b) Approval by Assistant Secretary; waiver of requirements

(1) The Assistant Secretary shall approve any State plan which the Assistant Secretary finds fulfills the requirements of subsection (a) of this section, except the Assistant Secretary may not approve such plan unless the Assistant Secretary determines that the formula submitted under section 3025(a)(2)(D) of this title complies with the guidelines in effect under section 3025(a)(2)(C) of this title.

(2) The Assistant Secretary, in approving any State plan under this section, may waive the requirement described in paragraph (3)(B) of subsection (a) of this section if the State agency demonstrates to the Assistant Secretary that the service needs of older individuals residing in rural areas in the State are being met, or that the number of older individuals residing in such rural areas is not sufficient to require the State agency to comply with such requirement.

(c) Notice and hearing prior to disapproval

(1) The Assistant Secretary shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 3025 of this title, without first affording the State reasonable notice and opportunity for a hearing.

(2) Not later than 30 days after such final determination, a State dissatisfied with such final determination may appeal such final determination to the Secretary for review. If the State timely appeals such final determination in accordance with subsection (e)(1) of this section, the Secretary shall dismiss the appeal filed under this paragraph.

(3) If the State is dissatisfied with the decision of the Secretary after review under paragraph (2), the State may appeal such decision not later than 30 days after such decision and in the manner described in subsection (e) of this section. For purposes of appellate review under the preceding sentence, a reference in subsection (e) of this section to the Assistant Secretary shall be deemed to be a reference to the Secretary.

(d) Discontinuance of payments; disbursement of withheld funds to agencies with approved plans; matching funds

Whenever the Assistant Secretary, after reasonable notice and opportunity for a hearing to the State agency, finds that—

(1) the State is not eligible under section 3025 of this title,

(2) the State plan has been so changed that it no longer complies substantially with the provisions of subsection (a) of this section, or

(3) in the administration of the plan there is a failure to comply substantially with any such provision of subsection (a) of this section,

the Assistant Secretary shall notify such State agency that no further payments from its allotments under section 3024 of this title and section 3028 of this title will be made to the State (or, in the Assistant Secretary's discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until the Assistant Secretary is satisfied that there will no longer be any failure to comply. Until the Assistant Secretary is so satisfied, no further payments shall be made to such State from its allotments under section 3024 of this title and section 3028 of this title (or payments shall be limited to projects under or portions of the State plan not affected by such failure). The Assistant Secretary shall, in accordance with regulations the Assistant Secretary shall prescribe, disburse the funds so withheld directly to any public or non-profit private organization or agency or political subdivision of such State submitting an approved plan in accordance with the provisions of this section. Any such payment shall be matched in the proportions specified in section 3024 of this title.

(e) Appeal

(1) A State which is dissatisfied with a final action of the Assistant Secretary under subsection (b), (c), or (d) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within 30 days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Assistant Secretary, or any officer designated by the Assistant Secretary for such purpose. The Assistant Secretary thereupon shall file in the court the record of the proceedings on which the Assistant Secretary's action is based, as provided in section 2112 of title 28.

(2) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Assistant Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Assistant Secretary may modify or set aside the Assistant Secretary's order. The findings of the Assistant Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Assistant Secretary to take further evidence, and the Assistant Secretary shall, within 30 days, file in the court the record of those further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judg-

ment of the court affirming or setting aside, in whole or in part, any action of the Assistant Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

(3) The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Assistant Secretary's action.

(f) Confidentiality of information relating to legal assistance

Neither a State, nor a State agency, may require any provider of legal assistance under this subchapter to reveal any information that is protected by the attorney-client privilege.

(Pub. L. 89-73, title III, §307, as added Pub. L. 95-478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1524; amended Pub. L. 97-115, §§3(d), 7, Dec. 29, 1981, 95 Stat. 1597, 1598; Pub. L. 98-459, title III, §307, Oct. 9, 1984, 98 Stat. 1775; Pub. L. 100-175, title I, §§128, 129(d), (e), 130(b), 131(b), 132(c), 136(c), 137(b), 138, 140(c), 141(c), 142, 144(d), 155(e)(2), 182(k), Nov. 29, 1987, 101 Stat. 934, 935, 938-940, 943, 944, 946, 947, 949, 953, 965; Pub. L. 100-628, title VII, §705(6), Nov. 7, 1988, 102 Stat. 3247; Pub. L. 102-375, title I, §102(b)(4), (5), (10)(A), (C), (E), (F), title III, §307, title VII, §708(c)(4), title IX, §904(a)(13), Sept. 30, 1992, 106 Stat. 1201, 1202, 1228, 1293, 1308; Pub. L. 103-171, §§2(9), 3(a)(5), Dec. 2, 1993, 107 Stat. 1988, 1990; Pub. L. 106-501, title III, §306, title VIII, §801(c)(4), Nov. 13, 2000, 114 Stat. 2242, 2292; Pub. L. 109-365, title III, §307, Oct. 17, 2006, 120 Stat. 2544.)

REFERENCES IN TEXT

Section 3012(a) of this title, referred to in subsec. (a)(2)(A), does not contain a par. (29). A former section 3012(a)(29) of this title, relating to uniform data collection procedures, was redesignated section 3012(a)(26) by Pub. L. 106-501, title II, §201(1)(B), Nov. 13, 2000, 114 Stat. 2229.

The Legal Services Corporation Act, referred to in subsec. (a)(11)(A), is title X of Pub. L. 88-452, as added by Pub. L. 93-355, §2, July 25, 1974, 88 Stat. 378, as amended, which is classified generally to subchapter X (§2996 et seq.) of chapter 34 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

PRIOR PROVISIONS

A prior section 3027, Pub. L. 89-73, title III, §307, as added Pub. L. 93-29, title III, §301, May 3, 1973, 87 Stat. 44, related to payment of grants or contracts, prior to the general amendment of this subchapter by Pub. L. 95-478. See section 3029 of this title.

Provisions similar to those comprising this section were contained in Pub. L. 89-73, title III, §305, as added Pub. L. 93-29, title III, §301, May 3, 1973, 87 Stat. 41; Pub. L. 94-135, title I, §§106(a), (b), 114(e), Nov. 28, 1975, 89 Stat. 715, 725, which was classified to section 3025 of this title prior to repeal by Pub. L. 95-478.

AMENDMENTS

2006—Subsec. (a)(2)(C). Pub. L. 109-365, §307(1), substituted “section 3026(c)” for “section 3026(b)”.

Subsec. (a)(4). Pub. L. 109-365, §307(2), substituted “(with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)” for “, with particular attention to low-income minority individuals and older individuals residing in rural areas”.

Subsec. (a)(14), (15). Pub. L. 109-365, §307(3)–(5), added par. (14), redesignated former par. (14) as (15), and

struck out former par. (15) which read as follows: “The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

“(A) identify the number of low-income minority older individuals in the State; and

“(B) describe the methods used to satisfy the service needs of such minority older individuals.”

Subsec. (a)(16)(A)(ii), (iii). Pub. L. 109-365, §307(6)(A), substituted “(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)” for “(with particular attention to low-income minority individuals and older individuals residing in rural areas)”.

Subsec. (a)(16)(A)(vi). Pub. L. 109-365, §307(6)(B), substituted “and related” for “or related”.

Subsec. (a)(27) to (30). Pub. L. 109-365, §307(7), added pars. (27) to (30).

2000—Subsec. (a)(1) to (5). Pub. L. 106-501, §306(1), added pars. (1) to (5) and struck out former pars. (1) to (5) which required each State plan to: in par. (1), contain assurances that the State plan would be based on area plans and that the State would distribute a uniform format for developing area plans, in par. (2), provide that each area agency on aging develop an area plan for approval by the State agency, in par. (3), provide that the State agency would evaluate the need for supportive services, nutrition services, and multipurpose senior centers within the State and spend not less than 105 percent of fiscal year 1978 expenditures for services to older individuals residing in rural areas in the State, in par. (4), provide methods of administration of the plan and any necessary reorganization and reassignment of functions to assure efficient administration, and, in par. (5), provide that the State agency would conduct hearings upon request by an area agency on aging submitting a plan, a service provider under a plan, or an applicant to provide service under a plan.

Subsec. (a)(7)(C). Pub. L. 106-501, §306(2), struck out subpar. (C) which required the plan to provide assurances that the State agency and each area agency on aging would maintain the integrity and public purpose of services provided and service providers under the State plan in all contractual and commercial relationships, disclose the parties to and the nature of a contract or relationship relating to services to older individuals, demonstrate no loss or diminution in quantity or quality of services as a result of such contract or relationship, demonstrate enhancement of quantity and quality of services as a result of such contract or relationship, and disclose on request all sources and expenditures of funds the State agency and area agency on aging received or expended to provide services to older individuals.

Subsec. (a)(8), (9). Pub. L. 106-501, §306(3), added pars. (8) and (9) and struck out former pars. (8) and (9) which read as follows:

“(8) The plan shall provide that the State agency will conduct periodic evaluations of, and public hearings on, activities and projects carried out under the State plan, including an evaluation of the effectiveness of the State agency in reaching older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals. In conducting such evaluations and public hearings, the State agency shall solicit the views and experiences of entities that are knowledgeable about the needs and concerns of low-income minority older individuals.

“(9) The plan shall provide for establishing and maintaining information and assistance services in sufficient numbers to assure that all older individuals in the State who are not furnished adequate information and assistance services under section 3026(a)(4) of this title will have reasonably convenient access to such services.”

Subsec. (a)(10). Pub. L. 106-501, §306(4), added par. (10) and struck out former par. (10) which read as follows: “The plan shall provide that no supportive services, nu-

trition services, or in-home services (as defined in section 3030i of this title) will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such services by the State agency or an area agency on aging is necessary to assure an adequate supply of such services, or where such services are directly related to such State or area agency on aging’s administrative functions, or where such services of comparable quality can be provided more economically by such State or area agency on aging.”

Subsec. (a)(11). Pub. L. 106-501, §306(5), (6), redesignated par. (15) as (11) and struck out former par. (11) which read as follows: “The plan shall provide that subject to the requirements of merit employment systems of State and local governments—

“(A) preference shall be given to older individuals; and

“(B) special consideration shall be given to individuals with formal training in the field of aging (including an educational specialty or emphasis in aging and a training degree or certificate in aging) or equivalent professional experience in the field of aging;

for any staff positions (full time or part time) in State and area agencies for which such individuals qualify.”

Subsec. (a)(12). Pub. L. 106-501, §306(5), (6), redesignated par. (16) as (12) and struck out former par. (12) which read as follows: “The plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in accordance with section 3058g of this title and this subchapter.”

Subsec. (a)(13). Pub. L. 106-501, §306(5), (8), redesignated par. (18) as (13) and struck out former par. (13) which related to a list of requirements that the plan was to provide with respect to nutrition services.

Subsec. (a)(14). Pub. L. 106-501, §306(5), (10), redesignated par. (20) as (14) and struck out former par. (14) which related to required provisions of the plan with respect to acquisition, alteration, or renovation of existing facilities to serve as multipurpose senior centers.

Subsec. (a)(15). Pub. L. 106-501, §306(12), redesignated par. (23) as (15). Former par. (15) redesignated (11).

Subsec. (a)(16). Pub. L. 106-501, §306(12), (13), redesignated par. (24) as (16) and inserted “and older individuals residing in rural areas” after “low-income minority individuals” in cls. (ii) and (iii). Former par. (16) redesignated (12).

Subsec. (a)(17). Pub. L. 106-501, §306(14), inserted “to enhance services” before “and develop collaborative programs”.

Pub. L. 106-501, §306(7), (12), redesignated par. (25) as (17) and struck out former par. (17) which read as follows: “The plan shall provide assurances that each State will provide inservice training opportunities for personnel of agencies and programs funded under this chapter.”

Subsec. (a)(18). Pub. L. 106-501, §306(12), (15), redesignated par. (26) as (18) and, in introductory provisions, substituted “section 3026(a)(7)” for “section 3026(a)(6)(I)”. Former par. (18) redesignated (13).

Subsec. (a)(19). Pub. L. 106-501, §306(9), (17), redesignated par. (30) as (19) and struck out former par. (19) which read as follows: “The plan shall provide, with respect to education and training services, assurances that area agencies on aging may enter into grants and contracts with providers of education and training services which can demonstrate the experience or capacity to provide such services (except that such contract authority shall be effective for any fiscal year only to such extent, or in such amounts, as are provided in appropriations Acts).”

Subsec. (a)(20). Pub. L. 106-501, §306(17), redesignated par. (32) as (20). Former par. (20) redesignated (14).

Subsec. (a)(21). Pub. L. 106-501, §306(11), (18), added par. (21) and struck out former par. (21) which read as follows: “The plan shall provide assurances that the State agency, in carrying out the State Long-Term

Care Ombudsman program under subsection (a)(12) of this section, will expend not less than the total amount expended by the agency in fiscal year 1991 in carrying out such a program under this subchapter."

Subsec. (a)(22). Pub. L. 106-501, §801(c)(4)(A), substituted "3026(a)(8)" for "3026(a)(20)".

Pub. L. 106-501, §306(11), (19), redesignated par. (36) as (22) and struck out former par. (22) which read as follows: "The plan shall specify a minimum percentage of the funds received by each area agency on aging for part B of this subchapter that will be expended, in the absence of the waiver granted under section 3026(b)(1) of this title, by such area agency on aging to provide each of the categories of services specified in section 3026(a)(2) of this title."

Subsec. (a)(23) to (25). Pub. L. 106-501, §306(21), redesignated pars. (41), (42), and (44) as (23) to (25), respectively. Former pars. (23), (24), and (25) redesignated (15) to (17), respectively.

Subsec. (a)(26). Pub. L. 106-501, §306(22), added par. (26). Former par. (26) redesignated (18).

Subsec. (a)(27) to (29). Pub. L. 106-501, §306(16), struck out pars. (27) to (29) which read as follows:

"(27) The plan shall provide assurances of consultation and coordination in planning and provision of in-home services under section 3030h of this title with State and local agencies and private nonprofit organizations which administer and provide services relating to health, social services, rehabilitation, and mental health services.

"(28) The plan shall provide assurances that if the State receives funds appropriated under section 3023(e) of this title, the State agency and area agencies on aging will expend such funds to carry out part E of this subchapter.

"(29) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared, describe the methods used to satisfy the service needs of older individuals who reside in rural areas."

Subsec. (a)(30). Pub. L. 106-501, §306(17), redesignated par. (30) as (19).

Subsec. (a)(31). Pub. L. 106-501, §306(16), struck out par. (31) which read as follows:

"(31)(A) If 50 percent or more of the area plans in the State provide for an area volunteer services coordinator, as described in section 3026(a)(12) of this title, the State plan shall provide for a State volunteer services coordinator, who shall—

"(i) encourage area agencies on aging to provide for area volunteer services coordinators;

"(ii) coordinate the volunteer services offered between the various area agencies on aging;

"(iii) encourage, organize, and promote the use of older individuals as volunteers to the State;

"(iv) provide technical assistance, which may include training, to area volunteer services coordinators; and

"(v) promote the recognition of the contribution made by volunteers to the programs administered under the State plan.

"(B) If fewer than 50 percent of the area plans in the State provide for an area volunteer services coordinator, the State plan may provide for the State volunteer services coordinator described in subparagraph (A)."

Subsec. (a)(32). Pub. L. 106-501, §306(17), redesignated par. (32) as (20).

Subsec. (a)(33) to (35). Pub. L. 106-501, §306(18), struck out pars. (33) to (35) which read as follows:

"(33) The plan—

"(A) shall include the statement and the demonstration required by paragraphs (2) and (4) of section 3025(d) of this title; and

"(B) may not be approved unless the Assistant Secretary approves such statement and such demonstration.

"(34) The plan shall provide an assurance that the State agency will coordinate programs under this subchapter and subchapter X of this chapter, if applicable.

"(35) The plan shall—

"(A) provide an assurance that the State agency will pursue activities to increase access by older indi-

viduals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits under this subchapter, if applicable; and

"(B) specify the ways in which the State agency intends to implement the activities."

Subsec. (a)(36). Pub. L. 106-501, §306(19), redesignated par. (36) as (22).

Subsec. (a)(37) to (40). Pub. L. 106-501, §306(20), struck out pars. (37) to (40) which read as follows:

"(37) The plan shall identify for each fiscal year, the actual and projected additional costs of providing services under this subchapter, including the cost of providing access to such services, to older individuals residing in rural areas in the State (in accordance with a standard definition of rural areas specified by the Assistant Secretary).

"(38) The plan shall provide assurances that funds received under this subchapter will not be used to pay any part of a cost (including an administrative cost) incurred by the State or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this subchapter.

"(39) The plan shall provide assurances that preference in receiving services under this subchapter will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this subchapter.

"(40) The plan shall provide assurances that if the State receives funds appropriated under section 3023(g) of this title the State agency and area agencies on aging will expend such funds to carry out part G of this subchapter."

Subsec. (a)(41), (42). Pub. L. 106-501, §306(21), redesignated pars. (41) and (42) as (23) and (24), respectively.

Subsec. (a)(43). Pub. L. 106-501, §306(20), struck out par. (43) which read as follows: "The plan shall provide that the State agency shall issue guidelines applicable to grievance procedures required by section 3026(a)(6)(P) of this title."

Subsec. (a)(44). Pub. L. 106-501, §306(21), redesignated par. (44) as (25).

Subsec. (f). Pub. L. 106-501, §801(c)(4)(B), struck out par. (1) designation before "Neither a State" and struck out par. (2) which read as follows: "Information disclosed under section 3026(a)(14)(B)(i) of this title or subsection (a)(7)(C)(ii)(I) of this section may be disclosed to the public by the State agency or the State only if such information could be disclosed under section 552 of title 5 by an agency of the United States."

1993—Pub. L. 103-171, §3(a)(5)(B), substituted "Assistant Secretary" for "Commissioner" wherever appearing.

Subsec. (a)(8). Pub. L. 103-171, §2(9)(A)(i), substituted "knowledgeable" for "knowledgable".

Subsec. (a)(24). Pub. L. 103-171, §2(9)(A)(ii), substituted period for semicolon at end.

Subsec. (b)(2). Pub. L. 103-171, §2(9)(B), substituted "such requirement" for "the requirement described in clause (3)(B) of subsection (a) of this section".

Subsecs. (d), (e). Pub. L. 103-171, §3(a)(5)(A), substituted "Assistant Secretary's" for "Commissioner's" wherever appearing.

1992—Subsec. (a). Pub. L. 102-375, §307(a)(1), (2), inserted "the succeeding sentence and" after "provided in" in first sentence and inserted after first sentence "If the Commissioner determines, in the discretion of the Commissioner, that a State failed in 2 successive years to comply with the requirements under this subchapter, then the State shall submit to the Commissioner a State plan for a 1-year period that meets such criteria, for subsequent years until the Commissioner determines that the State is in compliance with such requirements." before "Each such plan shall comply".

Subsec. (a)(1). Pub. L. 102-375, §102(b)(10)(F), substituted "agencies on aging in" for "agencies in".

Subsec. (a)(3)(A). Pub. L. 102-375, §307(a)(3), inserted "and transportation services" after "legal assistance" and inserted at end "To conduct the evaluation, the

State agency shall use the procedures implemented under section 3012(a)(29) of this title.”

Subsec. (a)(5). Pub. L. 102-375, §307(b), inserted at end “The State agency shall establish and publish procedures for requesting and conducting such hearing.”

Subsec. (a)(7). Pub. L. 102-375, §307(c), designated existing provisions as subpar. (A) and added subpars. (B) and (C).

Subsec. (a)(8). Pub. L. 102-375, §904(a)(13)(A)(i), substituted “greatest economic need and older individuals with greatest social need” for “the greatest economic or social needs”.

Pub. L. 102-375, §307(d), inserted at end “In conducting such evaluations and public hearings, the State agency shall solicit the views and experiences of entities that are knowledgeable about the needs and concerns of low-income minority older individuals.”

Subsec. (a)(9). Pub. L. 102-375, §102(b)(4), substituted “information and assistance” for “information and referral” in two places.

Subsec. (a)(10). Pub. L. 102-375, §102(b)(5), substituted “section 3030i of this title” for “section 3030i(1) of this title”.

Subsec. (a)(11). Pub. L. 102-375, §307(e), substituted “governments—” for “governments, preference shall be given to individuals aged 60 or older” and added subpars. (A) and (B).

Subsec. (a)(12). Pub. L. 102-375, §307(f), amended par. (12) generally, substituting provisions requiring the plan to provide assurances that a State Long-Term Care Ombudsman program be carried out in accordance with section 3058g of this title for provisions setting out, in subpars. (A) to (K), the assurances required to be provided by the plan with respect to such a program.

Subsec. (a)(13)(A). Pub. L. 102-375, §904(a)(13)(A)(ii)(I), (II), substituted “to older individuals” for “to individuals aged 60 or older” and “by older individuals” for “by the elderly”.

Subsec. (a)(13)(B). Pub. L. 102-375, §904(a)(13)(A)(ii)(III), substituted “subparagraph” for “subclause”.

Pub. L. 102-375, §307(g)(1), inserted “(other than under section 3023(b)(3) of this title)” after “available under this subchapter”.

Pub. L. 102-375, §102(b)(10)(C), substituted “area agency on aging” for “area agency”.

Subsec. (a)(13)(F). Pub. L. 102-375, §307(g)(2), inserted “dietitians (or individuals with comparable experience),” after “advice of” and substituted “project will” for “project may”.

Subsec. (a)(13)(H). Pub. L. 102-375, §307(g)(3), struck out “and” at end.

Pub. L. 102-375, §102(b)(10)(E), substituted “area agency on aging” for “area agency” in two places.

Subsec. (a)(13)(I). Pub. L. 102-375, §904(a)(13)(A)(ii)(IV), substituted “participating older individuals” for “elderly participants”.

Pub. L. 102-375, §307(g)(4), substituted semicolon for period at end.

Pub. L. 102-375, §102(b)(10)(C), substituted “area agency on aging” for “area agency”.

Subsec. (a)(13)(J) to (M). Pub. L. 102-375, §307(g)(5), added subpars. (J) to (M).

Subsec. (a)(14). Pub. L. 102-375, §102(b)(10)(A), substituted “area agencies on aging” for “area agencies”.

Subsec. (a)(14)(D). Pub. L. 102-375, §904(a)(13)(A)(iii), substituted “subparagraph” for “clause”.

Subsec. (a)(15)(B). Pub. L. 102-375, §102(b)(10)(C), substituted “area agency on aging” for “area agency”.

Subsec. (a)(15)(E). Pub. L. 102-375, §307(h), added subpar. (E).

Subsec. (a)(16). Pub. L. 102-375, §307(i), substituted “shall provide,” for “shall provide that” and “provide for a” for “, if funds are not appropriated under section 3023(g) of this title for a fiscal year, provide that for such”.

Subsec. (a)(16)(B). Pub. L. 102-375, §904(a)(13)(A)(iv), substituted “paragraph” for “clause”.

Subsec. (a)(18). Pub. L. 102-375, §307(j), inserted “(one of whom shall be known as a legal assistance developer)” after “personnel”.

Subsec. (a)(20)(A). Pub. L. 102-375, §708(c)(4), substituted “section 3026(a)(2)(A) of this title” for “sections 3026(a)(2)(A) and 3026(a)(6)(P) of this title”.

Subsec. (a)(21). Pub. L. 102-375, §307(k), amended par. (21) generally. Prior to amendment, par. (21) read as follows: “The State plan shall provide that the State agency, from funds allotted under section 3024(a) of this title for part B of this subchapter and for paragraph (12) (relating to the State long-term care ombudsman) shall expend to carry out paragraph (12), for each fiscal year in which the allotment for part B of this subchapter for the State is not less than the allotment for fiscal year 1987 for part B of this subchapter for such State, an amount which is not less than the amount expended from funds received under this chapter by such State in fiscal year 1987 to carry out paragraph (12) as in effect before the effective date of the Older Americans Act Amendments of 1987. This paragraph shall not apply to American Samoa, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.”

Subsec. (a)(22). Pub. L. 102-375, §102(b)(10)(E), substituted “area agency on aging” for “area agency” in two places.

Subsec. (a)(24). Pub. L. 102-375, §307(l), amended par. (24) generally. Prior to amendment, par. (24) read as follows: “The plan shall provide assurances that the State agency will require outreach efforts that will—

“(A) identify older individuals who are eligible for assistance under this subchapter, with special emphasis on older individuals with greatest economic need (with particular attention to low-income minority individuals), older individuals with greatest social need (with particular attention to low-income minority individuals), and older individuals who reside in rural areas; and

“(B) inform such individuals of the availability of such assistance.”

Subsec. (a)(30). Pub. L. 102-375, §307(m), amended par. (30) generally. Prior to amendment, par. (30) read as follows: “The plan shall provide assurances that if the State receives funds appropriated under section 3023(g) of this title, the State agency and area agencies on aging will expend such funds to carry out part G of this subchapter.”

Subsec. (a)(31). Pub. L. 102-375, §307(n), amended par. (31) generally, substituting provisions relating to an area or State volunteer services coordinator for provisions that State agency make funds available to eligible area agencies on aging based on number of older individuals with greatest economic need and inadequacy of outreach activities and application assistance, that State agency require area agency to submit application describing and evaluating activities for which funds were sought, that State agency distribute to area agencies certain eligibility information, and that State agency submit to Commissioner a report on evaluations required to be submitted to it by area agencies.

Subsec. (a)(32) to (44). Pub. L. 102-375, §307(n), added pars. (32) to (44).

Subsec. (b)(1). Pub. L. 102-375, §307(o), inserted before period at end “, except the Commissioner may not approve such plan unless the Commissioner determines that the formula submitted under section 3025(a)(2)(D) of this title complies with the guidelines in effect under section 3025(a)(2)(C) of this title”.

Subsec. (b)(2). Pub. L. 102-375, §904(a)(13)(B), substituted “described in paragraph” for “described in clause”.

Subsec. (c). Pub. L. 102-375, §307(p), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (f). Pub. L. 102-375, §307(q), (r), redesignated subsec. (g) as subsec. (f)(1), added subsec. (f)(2), and struck out former subsec. (f) which related to demonstration projects for health and nutrition education.

Subsec. (g). Pub. L. 102-375, §307(r)(1), redesignated subsec. (g) as subsec. (f)(1).

1988—Subsec. (a)(3)(A). Pub. L. 100-628 substituted a period for “; and” at end.

1987—Subsec. (a). Pub. L. 100-175, §182(k)(1), substituted “Each such plan shall comply with all of the following requirements:” for “Each such plan shall—”.

Subsec. (a)(1), (2). Pub. L. 100-175, §182(k)(2), (3), inserted "The plan shall" and substituted a period for semicolon.

Subsec. (a)(3)(A). Pub. L. 100-175, §182(k)(4)(A), inserted "The plan shall".

Subsec. (a)(3)(B), (4) to (7). Pub. L. 100-175, §182(k)(4)(B), (5)–(8), inserted "The plan shall" and substituted a period for semicolon.

Subsec. (a)(8). Pub. L. 100-175, §182(k)(9), inserted "The plan shall" and substituted a period for semicolon.

Pub. L. 100-175, §132(c)(1), inserted " , including an evaluation of the effectiveness of the State agency in reaching older individuals with the greatest economic or social needs, with particular attention to low-income minority individuals" before semicolon.

Pub. L. 100-175, §128, inserted " , and public hearings on," after "evaluations of".

Subsec. (a)(9). Pub. L. 100-175, §182(k)(10), inserted "The plan shall" and substituted a period for semicolon.

Subsec. (a)(10). Pub. L. 100-175, §182(k)(11), inserted "The plan shall" and substituted a period for semicolon.

Pub. L. 100-175, §140(c)(1), which directed that par. (10) be amended by substituting "nutrition services, or in-home services (as defined in section 3030i(1) of this title)" for "including nutrition services," was executed by making the substitution for "or nutrition services," to reflect the probable intent of Congress and a previous amendment made by Pub. L. 98-459, §307(a)(2). See 1984 Amendment note below.

Subsec. (a)(11). Pub. L. 100-175, §182(k)(12), inserted "The plan shall" and substituted a period for semicolon.

Subsec. (a)(12). Pub. L. 100-175, §129(d), amended par. (12) generally, revising and restating as subpars. (A) to (K) provisions of former subpars. (A) to (E).

Subsec. (a)(13). Pub. L. 100-175, §182(k)(13), inserted "The plan shall", and in subpar. (I) substituted a period for semicolon.

Subsec. (a)(13)(I). Pub. L. 100-175, §136(c)(1), inserted " , and to individuals with disabilities who reside at home with and accompany older individuals who are eligible under this chapter" before semicolon.

Subsec. (a)(14). Pub. L. 100-175, §182(k)(14), inserted "The plan shall", and in subpar. (E) substituted a period for semicolon.

Subsec. (a)(15). Pub. L. 100-175, §182(k)(15), inserted "The plan shall", and in subpar. (D) substituted a period for semicolon.

Subsec. (a)(16). Pub. L. 100-175, §182(k)(16), inserted "The plan shall", and in subpar. (C) substituted a period for semicolon.

Pub. L. 100-175, §144(d)(1), substituted " , if funds are not appropriated under section 3023(g) of this title for a fiscal year, provide that for such fiscal year" for second reference to "provide".

Subsec. (a)(17) to (19). Pub. L. 100-175, §182(k)(17)–(19), inserted "The plan shall" and substituted a period for semicolon.

Subsec. (a)(20). Pub. L. 100-175, §182(k)(20), inserted "The plan shall", and in subpar. (B)(ii) substituted a period for " ; and".

Subsec. (a)(20)(A). Pub. L. 100-175, §155(e)(2)(A), substituted "sections 3026(a)(2)(A) and 3026(a)(6)(P) of this title" for "section 3026(a)(2)(A) of this title".

Subsec. (a)(21). Pub. L. 100-175, §129(e), amended par. (21) generally. Prior to amendment, par. (21) read as follows: "provide that the State agency, from funds allotted under section 3024(a) of this title for part B will use an amount equal to an amount not less than 1 percent of such allotment or \$20,000, whichever is greater, for the purpose of carrying out the provisions of clause (12), except that (A) the requirement of this clause shall not apply in any fiscal year in which a State spends from State or local sources an amount equal to the amount required to be spent by this clause; and (B) the provisions of this clause shall not apply to American Samoa, Guam, the Virgin Islands, the Trust Terri-

tory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands."

Subsec. (a)(22). Pub. L. 100-175, §130(b), added par. (22).

Subsec. (a)(23). Pub. L. 100-175, §131(b), added par. (23).

Subsec. (a)(24). Pub. L. 100-175, §132(c)(2), added par.

(24).

Subsec. (a)(25). Pub. L. 100-175, §136(c)(2), added par.

(25).

Subsec. (a)(26). Pub. L. 100-175, §138, added par. (26).

Subsec. (a)(27). Pub. L. 100-175, §140(c)(2), added par.

(27).

Subsec. (a)(28). Pub. L. 100-175, §141(c), added par. (28).

Subsec. (a)(29). Pub. L. 100-175, §142, added par. (29).

Subsec. (a)(30). Pub. L. 100-175, §144(d)(2), added par.

(30).

Subsec. (a)(31). Pub. L. 100-175, §155(e)(2)(B), added

par. (31).

Subsec. (g). Pub. L. 100-175, §137(b), added subsec. (g). 1984—Subsec. (a)(3)(A). Pub. L. 98-459, §307(a)(1), substituted "legal assistance" for "legal services".

Subsec. (a)(10). Pub. L. 98-459, §307(a)(2), substituted "supportive services or nutrition services" for "supportive services, including nutrition services", and inserted " , or where such services are directly related to such State or area agency on aging's administrative functions, or where such services of comparable quality can be provided more economically by such State or area agency on aging".

Subsec. (a)(12)(A). Pub. L. 98-459, §307(a)(3)(A)–(C), substituted " , other than an agency or organization which is responsible" for "which is not responsible", "which is an association" for "which is not an association", and "which provides an individual who will, on a full-time basis—" for "which will—", in provision preceding cl. (i).

Subsec. (a)(12)(A)(iv). Pub. L. 98-459, §307(a)(3)(D), substituted "training staff and volunteers" for "training volunteers".

Subsec. (a)(12)(E). Pub. L. 98-459, §307(a)(3)(E)–(G), added subpar. (E).

Subsec. (a)(13)(B). Pub. L. 98-459, §307(a)(4)(A), substituted "subclause (H)" for "subparagraph (H)".

Subsec. (a)(13)(C)(i). Pub. L. 98-459, §307(a)(4)(B), substituted "solicit voluntary contributions" for "charge participating individuals".

Subsec. (a)(13)(C)(ii). Pub. L. 98-459, §307(a)(4)(C), substituted "voluntary contributions" for "charges".

Subsec. (a)(15). Pub. L. 98-459, §307(a)(5), substituted "legal assistance" for "legal services" in provision preceding subpar. (A).

Subsec. (a)(15)(A). Pub. L. 98-459, §307(a)(5), substituted "legal assistance" for "legal services" wherever appearing.

Subsec. (a)(15)(B). Pub. L. 98-459, §307(a)(6), in amending subpar. (B) generally, substituted provisions requiring assurances regarding the furnishing of legal assistance by grantees administering programs designed to provide legal assistance to older individuals with social or economic need for provisions requiring assurances regarding the furnishing of legal services by grantees who were either recipients of funds under the Legal Services Corporation Act or who administered programs designed to provide legal services to all older individuals with social or economic need.

Subsec. (a)(16) to (18). Pub. L. 98-459, §307(a)(10), added pars. (16) to (18). Former pars. (16) to (18) redesignated (19) to (21), respectively.

Subsec. (a)(19), (20). Pub. L. 98-459, §307(a)(9), redesignated former pars. (16) and (17) as (19) and (20), respectively.

Subsec. (a)(20)(B)(ii). Pub. L. 98-459, §307(a)(7), substituted " ; and" for the period at the end.

Subsec. (a)(21). Pub. L. 98-459, §307(a)(9), redesignated former par. (18) as (21).

Subsec. (a)(21)(B). Pub. L. 98-459, §307(a)(8), substituted "Commonwealth of the Northern Mariana Islands" for "Northern Mariana Islands".

Subsec. (b)(1). Pub. L. 98-459, §307(b), substituted "the Commissioner finds" for "he finds".

Subsec. (d). Pub. L. 98-459, §307(c), substituted "in the Commissioner's discretion" for "in his discretion",

“until the Commissioner is satisfied” for “until he is satisfied”, “Until the Commissioner is so satisfied” for “Until he is so satisfied”, “the Commissioner shall prescribe” for “he shall prescribe”, and “the provisions of this section” for “the provisions of section 307”.

Subsec. (e)(1). Pub. L. 98-459, §307(d)(1), substituted “designated by the Commissioner” for “designated by him” and “the Commissioner’s action is based” for “he based his action”.

Subsec. (e)(2). Pub. L. 98-459, §307(d)(2), substituted “set aside the Commissioner’s order” for “set aside his order”.

Subsec. (f). Pub. L. 98-459, §307(e), added subsec. (f).

1981—Subsec. (a). Pub. L. 97-115, §7(a), substituted “for a two-, three-, or four-year period determined by the State agency” for “for a 3-year period” in provisions preceding par. (1).

Subsec. (a)(3)(A), (10). Pub. L. 97-115, §3(d), substituted “supportive services” for “social services”.

Subsec. (a)(13)(A). Pub. L. 97-115, §7(b), substituted “aged 60 or older and to their spouses, and may be made available to handicapped or disabled individuals who have not attained 60 years of age but who reside in housing facilities occupied primarily by the elderly at which congregate nutrition services are provided” for “aged 60 or older, and to their spouses”.

Subsec. (a)(13)(B). Pub. L. 97-115, §7(c), substituted “primary consideration shall be given to the provision of meals in a congregate setting, except that each area agency (i) may award funds made available under this subchapter to organizations for the provision of home delivered meals to older individuals in accordance with the provisions of subpart II of part C, based upon a determination of need made by the recipient of a grant or contract entered into under this subchapter, without requiring that such organizations also provide meals to older individuals in a congregate setting; and (ii) shall, in awarding such funds, select such organizations in a manner which complies with the provisions of subparagraph (H)” for “each project will provide meals in a congregate setting, except that each such project may provide home delivered meals based upon a determination of need made by the recipient of a grant or contract entered into under this subchapter”.

Subsec. (a)(13)(C)(ii). Pub. L. 97-115, §7(d), inserted “, to facilitate access to such meals, and to provide other supportive services directly related to nutrition services” after “the project involved”.

Subsec. (a)(13)(D). Pub. L. 97-115, §§3(d), 7(e), inserted “in the case of meals served in a congregate setting,” before “a site for such services”, substituted “supportive services” for “social services”, and struck out “or home delivered meals are furnished to eligible individuals who are homebound” after “transportation to such site is furnished”.

Subsec. (a)(13)(I). Pub. L. 97-115, §7(f), substituted “each area agency shall establish procedures that will allow nutrition project administrators the option to offer a meal, on the same basis as meals are provided to elderly participants, to individuals providing volunteer services during the meal hours” for “each State agency may only for fiscal years 1979 and 1980, use not to exceed 20 percent for the amounts allotted under part C to the State for supportive services, including recreational activities, informational services, health and welfare counseling, and referral services, directly related to the delivery of congregate or home delivered meals, except that the Commissioner may approve an application from a State to use not to exceed 50 percent of its amount allotted under part C in areas with unusually high supportive services costs”.

Subsec. (a)(16) to (18). Pub. L. 97-115, §7(g), added pars. (16) and (17) and redesignated former par. (16) as (18).

Subsec. (b)(2), (3). Pub. L. 97-115, §7(h), redesignated par. (3) as (2). Former par. (2), which related to the authority of the Commissioner to waive particular requirements of State plans for fiscal years 1979 and 1980, was struck out.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by sections 307 and 708(c)(4) of Pub. L. 102-375 inapplicable with respect to fiscal year 1993, see section 4(b) of Pub. L. 103-171, set out as a note under section 3001 of this title.

Amendment by sections 307 and 708(c)(4) of Pub. L. 102-375 inapplicable with respect to fiscal year 1992, see section 905(b)(2), (6) of Pub. L. 102-375, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, except not applicable with respect to any area plan submitted under section 3026(a) of this title or any State plan submitted under section 3027(a) of this title and approved for any fiscal year beginning before Nov. 29, 1987, see section 701(a), (b) of Pub. L. 100-175, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-459 effective Oct. 9, 1984, see section 803(a) of Pub. L. 98-459, set out as a note under section 3001 of this title.

ASSESSMENT OF UNSATISFIED DEMAND FOR SUPPORTIVE SERVICES PROVIDED AT SENIOR CENTERS AND OTHER SITES

Section 111 of Pub. L. 100-175 directed Commissioner on Aging, not later than Sept. 30, 1989, to submit to Congress a report assessing national unmet need for supportive services, nutrition services, and multipurpose senior centers by summarizing in detail for each State the results of the most recent evaluation conducted by the State agency under the then current plan submitted under 42 U.S.C. 3027(a)(3)(A) and containing recommendations of the Secretary with respect to need for administrative action and legislation relating to satisfying the demand for supportive services provided at senior centers and other sites.

STUDY OF OMBUDSMAN PROGRAM

Section 129(b) of Pub. L. 100-175 directed Commissioner on Aging, not later than Dec. 31, 1989, to conduct a study and submit a report to Congress concerning involvement in the ombudsman program established under 42 U.S.C. 3027(a)(12) and its impact upon issues and problems affecting residents of board and care facilities and other similar adult care homes who are older individuals as defined in 42 U.S.C. 3022(10), and the effectiveness of recruiting, supervising, and retaining volunteer ombudsmen.

§ 3028. Cost of administration of State plans

(a) Activities constituting administration; use of excess funds to supplement cost of administration of area plans; election to pay costs from sums received for administration of area plans

(1) Amounts available to States under subsection (b)(1) of this section may be used to make grants to States for paying such percentages as each State agency determines, but not more than 75 percent, of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for supportive services, nutrition services, and multipurpose senior centers within the State, and dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this chapter, and the carrying out of demonstration projects of state-

wide significance relating to the initiation, expansion, or improvement of services assisted under this subchapter.

(2) Any sums available to a State under subsection (b)(1) of this section for part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used by the State to supplement the amount available under section 3024(d)(1)(A) of this title to cover part of the cost of the administration of area plans.

(3) Any State which has been designated a single planning and service area under section 3025(a)(1)(E) of this title covering all, or substantially all, of the older individuals in such State, as determined by the Assistant Secretary, may elect to pay part of the costs of the administration of State and area plans either out of sums received under this section or out of sums made available for the administration of area plans under section 3024(d)(1)(A) of this title, but shall not pay such costs out of sums received or allotted under both such sections.

(b) Formula for computation of allotment; application for additional funds; approval of application by Assistant Secretary; limitation on amount of additional funds; transfer of funds

(1) If for any fiscal year the aggregate amount appropriated under section 3023 of this title does not exceed \$800,000,000, then—

(A) except as provided in clause (ii), the greater of 5 percent of the allotment to a State under section 3024(a)(1) of this title or \$300,000; and

(B) in the case of Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands, the greater of 5 percent of such allotment or \$75,000;

shall be available to such State to carry out the purposes of this section.

(2) If for any fiscal year the aggregate amount appropriated under section 3023 of this title exceeds \$800,000,000, then—

(A) except as provided in clause (ii), the greater of 5 percent of the allotment to a State under section 3024(a)(1) of this title or \$500,000; and

(B) in the case of Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands, the greater of 5 percent of such allotment or \$100,000;

shall be available to such State to carry out the purposes of this section.

(3)(A) If the aggregate amount appropriated under section 3023 of this title for a fiscal year does not exceed \$800,000,000, then any State which desires to receive amounts, in addition to amounts allotted to such State under paragraph (1), to be used in the administration of its State plan in accordance with subsection (a) of this section may transmit an application to the Assistant Secretary in accordance with this paragraph. Any such application shall be transmitted in such form, and according to such proce-

dures, as the Assistant Secretary may require, except that such application may not be made as part of, or as an amendment to, the State plan.

(B) The Assistant Secretary may approve any application transmitted by a State under subparagraph (A) if the Assistant Secretary determines, based upon a particularized showing of need, that—

(i) the State will be unable to fully and effectively administer its State plan and to carry out programs and projects authorized by this subchapter unless such additional amounts are made available by the Assistant Secretary;

(ii) the State is making full and effective use of its allotment under paragraph (1) and of the personnel of the State agency and area agencies designated under section 3025(a)(2)(A) of this title in the administration of its State plan in accordance with subsection (a) of this section; and

(iii) the State agency and area agencies on aging of such State are carrying out, on a full-time basis, programs and activities which are in furtherance of the objectives of this chapter.

(C) The Assistant Secretary may approve that portion of the amount requested by a State in its application under subparagraph (A) which the Assistant Secretary determines has been justified in such application.

(D) Amounts which any State may receive in any fiscal year under this paragraph may not exceed three-fourths of 1 percent of the sum of the amounts allotted under section 3024(a) of this title to such State to carry out the State plan for such fiscal year.

(E) No application by a State under subparagraph (A) shall be approved unless it contains assurances that no amounts received by the State under this paragraph will be used to hire any individual to fill a job opening created by the action of the State in laying off or terminating the employment of any regular employee not supported under this chapter in anticipation of filling the vacancy so created by hiring an employee to be supported through use of amounts received under this paragraph.

(4)(A) Notwithstanding any other provision of this subchapter and except as provided in subparagraph (B), with respect to funds received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 3023(b) of this title, the State may elect to transfer not more than 40 percent of the funds so received between subpart I and subpart II of part C of this subchapter, for use as the State considers appropriate to meet the needs of the area served. The Assistant Secretary shall approve any such transfer unless the Assistant Secretary determines that such transfer is not consistent with the objectives of this chapter.

(B) If a State demonstrates, to the satisfaction of the Assistant Secretary, that funds received by the State and attributable to funds appropriated under paragraph (1) or (2) of section 3023(b) of this title, including funds transferred under subparagraph (A) without regard to this subparagraph, for any fiscal year are insufficient to satisfy the need for services under sub-

part I or subpart II of part C of this subchapter, then the Assistant Secretary may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need an additional 10 percent of the funds so received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 3023(b) of this title.

(C) A State's request for a waiver under subparagraph (B) shall—

- (i) be not more than one page in length;
- (ii) include a request that the waiver be granted;
- (iii) specify the amount of the funds received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 3023(b) of this title, over the permissible 40 percent referred to in subparagraph (A), that the State requires to satisfy the need for services under subpart I or II of part C of this subchapter; and
- (iv) not include a request for a waiver with respect to an amount if the transfer of the amount would jeopardize the appropriate provision of services under subpart I or II of part C of this subchapter.

(5)(A) Notwithstanding any other provision of this subchapter, of the funds received by a State attributable to funds appropriated under subsection (a)(1), and paragraphs (1) and (2) of subsection (b), of section 3023 of this title, the State may elect to transfer not more than 30 percent for any fiscal year between programs under part B of this subchapter and part C of this subchapter, for use as the State considers appropriate. The State shall notify the Assistant Secretary of any such election.

(B) At a minimum, the notification described in subparagraph (A) shall include a description of the amount to be transferred, the purposes of the transfer, the need for the transfer, and the impact of the transfer on the provision of services from which the funding will be transferred.

(6) A State agency may not delegate to an area agency on aging or any other entity the authority to make a transfer under paragraph (4)(A) or (5)(A).

(7) The Assistant Secretary shall annually collect, and include in the report required by section 3018(a) of this title, data regarding the transfers described in paragraphs (4)(A) and (5)(A), including—

- (A) the amount of funds involved in the transfers, analyzed by State;
- (B) the rationales for the transfers;
- (C) in the case of transfers described in paragraphs (4)(A) and (5)(A), the effect of the transfers of the provision of services, including the effect on the number of meals served, under—
 - (i) subpart I of part C of this subchapter; and
 - (ii) subpart II of part C of this subchapter; and
- (D) in the case of transfers described in paragraph (5)(A)—
 - (i) in the case of transfers to part B of this subchapter, information on the supportive services, or services provided through senior centers, for which the transfers were used; and

(ii) the effect of the transfers on the provision of services provided under—

- (I) part B of this subchapter; and
- (II) part C of this subchapter, including the effect on the number of meals served.

(c) Availability of funds under this section to provide services under parts B and C

The amounts of any State's allotment under subsection (b) of this section for any fiscal year which the Assistant Secretary determines will not be required for that year for the purposes described in subsection (a)(1) of this section shall be available to provide services under part B of this subchapter or part C of this subchapter, or both, in the State.

(Pub. L. 89-73, title III, §308, as added Pub. L. 95-478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1530; amended Pub. L. 97-115, §§3(d), 8, Dec. 29, 1981, 95 Stat. 1597, 1600; Pub. L. 98-459, title III, §308, Oct. 9, 1984, 98 Stat. 1777; Pub. L. 100-175, title I, §§129(c)(2), 182(l), Nov. 29, 1987, 101 Stat. 935, 966; Pub. L. 102-375, title I, §102(b)(9)(C), (10)(A), title III, §308, title IX, §904(a)(14), Sept. 30, 1992, 106 Stat. 1202, 1234, 1308; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 106-501, title III, §307, Nov. 13, 2000, 114 Stat. 2245.)

PRIOR PROVISIONS

A prior section 3028, Pub. L. 89-73, title III, §308, as added Pub. L. 93-29, title III, §301, May 3, 1973, 87 Stat. 44; Pub. L. 94-135, title I, §§108, 112(c), Nov. 28, 1975, 89 Stat. 717, 719, related to model projects, prior to the general amendment of this subchapter by Pub. L. 95-478.

Provisions similar to those comprising this section were contained in Pub. L. 89-73, title III, §306, as added Pub. L. 93-29, title III, §301, May 3, 1973, 87 Stat. 43; Pub. L. 94-135, title I, §107, Nov. 28, 1975, 89 Stat. 716, which was classified to section 3026 of this title prior to repeal by Pub. L. 95-478.

AMENDMENTS

2000—Subsec. (b)(4)(A). Pub. L. 106-501, §307(1)(A)(ii), substituted “40 percent” for “30 percent”.

Pub. L. 106-501, §307(1)(A)(i), which directed amendment of subpar. (A) by striking “in its plan under section 3027(a)(13) of this title regarding Part C of this subchapter,” was executed by striking “in its plan under section 3027(a)(13) regarding part C of this subchapter,” after “the State may elect” to reflect the probable intent of Congress.

Subsec. (b)(4)(B). Pub. L. 106-501, §307(1)(B), substituted “for any fiscal year” for “for fiscal year 1993, 1994, 1995, or 1996” and “to satisfy such need an additional 10 percent of the funds so received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 3023(b) of this title.” for “to satisfy such need—

“(i) an additional 18 percent of the funds so received for fiscal year 1993;

“(ii) an additional 15 percent of the funds so received for each of the fiscal years 1994 and 1995; and

“(iii) an additional 10 percent of the funds so received for fiscal year 1996.”

Subsec. (b)(4)(C). Pub. L. 106-501, §307(1)(C), added subpar. (C).

Subsec. (b)(5). Pub. L. 106-501, §307(2), added par. (5) and struck out former par. (5) which authorized election by a State to transfer funds for fiscal years 1993 through 1996 between programs under parts B and C of this subchapter, provided for a State to obtain a need-based waiver to transfer additional funds, and related to required contents and approval of the application for such transfer of funds.

1993—Pub. L. 103-171 substituted “Assistant Secretary” for “Commissioner” wherever appearing.

1992—Subsec. (a)(3). Pub. L. 102-375, §308(1), inserted “been” after “Any State which has”.

Subsec. (b)(1)(B), (2)(B). Pub. L. 102-375, §904(a)(14)(A), inserted “United States” before “Virgin Islands”.

Subsec. (b)(3)(B)(iii). Pub. L. 102-375, §§102(b)(9)(C), (10)(A), 904(a)(14)(B), inserted “on aging” after “area agencies”, struck out “designated under section 3025 of this title” after “such State”, and substituted “objectives” for “purposes”.

Subsec. (b)(4). Pub. L. 102-375, §§308(2)(A), 904(a)(14)(B), designated existing provisions as subpar. (A), inserted “and except as provided in subparagraph (B)” after “provision of this subchapter”, substituted “received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 3023(b) of this title, the” for “received under section 3023(b)(1) and (2) of this title, a”, “not more than 30 percent of the funds so received” for “a portion of the funds appropriated”, and “objectives” for “purposes”, and added subpar. (B).

Subsec. (b)(5) to (7). Pub. L. 102-375, §308(2)(B), added pars. (5) to (7) and struck out former par. (5) which read as follows:

“(A) Notwithstanding any other provisions of this subchapter and except as provided in subparagraph (B), with respect to funds received under subsection (a)(1) and subsection (b) of section 3023 of this title, a State may elect to transfer not more than 20 per centum of the funds allotted for any fiscal year between programs under part B and part C of this subchapter, for use as the State considers appropriate. The State shall notify the Commissioner of any such election.

“(B) Of the funds received under subsections (a)(1) and (b) of section 3023 of this title, a State may elect to transfer under subparagraph (A) not more than 30 percent of the funds allotted for any fiscal year.”

1987—Subsec. (b)(1). Pub. L. 100-175, §182(l)(1), (2), struck designation “(A)” after “(1)” and redesignated former cls. (i) and (ii) as subpars. (A) and (B), respectively.

Subsec. (b)(2). Pub. L. 100-175, §182(l)(3), struck designation “(A)” after “(1)” and redesignated former cls. (i) and (ii) as subpars. (A) and (B), respectively.

Subsec. (b)(3)(C). Pub. L. 100-175, §182(l)(4), substituted “the Commissioner” for “he”.

Subsec. (b)(5)(A). Pub. L. 100-175, §182(l)(5), substituted “allotted” for “appropriated”.

Pub. L. 100-175, §129(c)(2)(A), substituted “received under subsection (a)(1)” for “received under subsection (a)”.

Subsec. (b)(5)(B). Pub. L. 100-175, §182(l)(6), substituted provision that State may elect to transfer not more than 30 percent of funds allotted for any fiscal year for provision that State may elect to transfer not more than 27 percent of funds allotted for fiscal year 1985, not more than 29 percent of funds allotted for fiscal year 1986, and not more than 30 percent of funds allotted for fiscal year 1987.

Pub. L. 100-175, §182(l)(5), substituted “allotted” for “appropriated”.

Pub. L. 100-175, §129(c)(2)(B), inserted “subsections (a)(1) and (b) of” after first reference to “under”.

1984—Subsec. (a)(1). Pub. L. 98-459, §308(a)(1), substituted “Amounts available to States under subsection (b)(1) of this section” for “Amounts appropriated under section 3023 of this title”.

Subsec. (a)(2). Pub. L. 98-459, §308(a)(2), substituted “available to a State under subsection (b)(1) of this section” for “received by a State under this section”.

Subsec. (b)(1). Pub. L. 98-459, §308(b)(6), added par. (1). Former par. (1), which contained provisions, with respect to allotments to States for State planning, coordination, evaluation, and administration of State plans, that each State had to be allotted funds on the basis of its population aged 60 or older as compared to all States, and specifying minimum amounts for each State of no less than one-half of 1 percent of appropriations or \$300,000, whichever was greater, and for territories of no less than one-fourth of 1 percent of appropriations or \$75,000, whichever was greater, was struck out.

Subsec. (b)(2). Pub. L. 98-459, §308(b)(6), added par. (2). Former par. (2) redesignated (3).

Subsec. (b)(3). Pub. L. 98-459, §308(b)(4), (5), redesignated former par. (2) as (3) and struck out former par. (3) which had provided that each State would be entitled to an allotment under this section for any fiscal year in an amount which is not less than the amount of the allotment to which such State was entitled under former par. (1) for the fiscal year ending June 30, 1975.

Subsec. (b)(3)(A). Pub. L. 98-459, §308(b)(1), substituted “If the aggregate amount appropriated under section 3023 of this title for a fiscal year does not exceed \$800,000,000, then any” for “Any”.

Subsec. (b)(4). Pub. L. 98-459, §308(b)(2), (4), (5), redesignated par. (5) as (4), and substituted “unless the Commissioner determines” for “unless he determines”, and struck out former par. (4) which had provided that the number of individuals aged 60 or older in any State and in all States had to be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

Subsec. (b)(5), (6). Pub. L. 98-459, §308(b)(3), (5), redesignated par. (6) as (5), inserted “(A)” after paragraph designation and “and except as provided in subparagraph (B)”, and added subpar. (B). Former par. (5) redesignated (4).

1981—Subsec. (a)(1). Pub. L. 97-115, §3(d), substituted “supportive services” for “social services”.

Subsec. (b)(6). Pub. L. 97-115, §8, added par. (6).

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, except not applicable with respect to any area plan submitted under section 3026(a) of this title or any State plan submitted under section 3027(a) of this title and approved for any fiscal year beginning before Nov. 29, 1987, see section 701(a), (b) of Pub. L. 100-175, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-459 effective Oct. 9, 1984, see section 803(a) of Pub. L. 98-459, set out as a note under section 3001 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 3029. Payments of grants or contracts

(a) Advances or reimbursement; installments; assistance in development of State plan

Payments of grants or contracts under this subchapter may be made (after necessary adjustments resulting from previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Assistant Secretary may determine. From a State's allotment for a fiscal year which is available under section 3028 of this title the Assistant Secretary may pay to a State which does not have a State plan approved under section 3027 of this title such amounts as the Assistant Secretary deems appropriate for the purpose of assisting such State in developing a State plan.

(b) Matching funds; percentage limitation

(1) For each fiscal year, not less than 25 percent of the non-Federal share of the total expenditures under the State plan which is required by section 3024(d) of this title shall be met from funds from State or local public sources.

(2) Funds required to meet the non-Federal share required by section 3024(d)(1)(D) of this

title, in amounts exceeding 10 percent of the cost of the services specified in such section 3024(d)(1)(D) of this title, shall be met from State sources.

(c) Reduction of State allotment

A State's allotment under section 3024 of this title for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 3027 of this title are less than its average annual expenditures from such sources for the period of 3 fiscal years preceding such year.

(Pub. L. 89-73, title III, §309, as added Pub. L. 95-478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1532; amended Pub. L. 98-459, title III, §309, Oct. 9, 1984, 98 Stat. 1779; Pub. L. 100-175, title I, §139, Nov. 29, 1987, 101 Stat. 944; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 109-365, title III, §308, Oct. 17, 2006, 120 Stat. 2545.)

PRIOR PROVISIONS

A prior section 3029, Pub. L. 89-73, title III, §309, as added Pub. L. 93-351, §3, July 12, 1974, 88 Stat. 357, related to transportation projects, prior to the general amendment of this subchapter by Pub. L. 95-478. See section 3026 of this title.

Provisions similar to those comprising this section were contained in Pub. L. 89-73, title III, §307, as added Pub. L. 93-29, title III, §301, May 3, 1973, 87 Stat. 44, which was classified to section 3027 of this title prior to repeal by Pub. L. 95-478.

AMENDMENTS

2006—Subsec. (b)(2). Pub. L. 109-365 substituted “10 percent of the cost of the services specified in such section 3024(d)(1)(D) of this title” for “the non-Federal share required prior to fiscal year 1981”.

1993—Subsec. (a). Pub. L. 103-171 substituted “Assistant Secretary” for “Commissioner” wherever appearing.

1987—Subsec. (c). Pub. L. 100-175 substituted “its average annual expenditures from such sources for the period of 3 fiscal years preceding such year” for “its expenditures from such sources for the preceding fiscal year”.

1984—Subsec. (a). Pub. L. 98-459, §309(a), substituted “as the Commissioner deems appropriate” for “as he deems appropriate”.

Subsec. (b)(2). Pub. L. 98-459, §309(b), substituted “section 3024(d)(1)(D)” for “section 3024(d)(1)(B)”.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, except not applicable with respect to any area plan submitted under section 3026(a) of this title or any State plan submitted under section 3027(a) of this title and approved for any fiscal year beginning before Nov. 29, 1987, see section 701(a), (b) of Pub. L. 100-175, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-459 effective Oct. 9, 1984, see section 803(a) of Pub. L. 98-459, set out as a note under section 3001 of this title.

§ 3030. Disaster relief reimbursements

(a) Application; limitations

(1) The Assistant Secretary may provide reimbursements to any State (or to any tribal organization receiving a grant under subchapter X of this chapter), upon application for such reim-

bursement, for funds such State makes available to area agencies on aging in such State (or funds used by such tribal organization) for the delivery of supportive services (and related supplies) during any major disaster declared by the President in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act [42 U.S.C. 5121 et seq.].

(2) Total payments to all States and such tribal organizations under paragraph (1) in any fiscal year shall not exceed 2 percent of the total amount appropriated and available to carry out subchapter IV of this chapter.

(3) If the Assistant Secretary decides, in the 5-day period beginning on the date such disaster is declared by the President, to provide an amount of reimbursement under paragraph (1) to a State or such tribal organization, then the Assistant Secretary shall provide not less than 75 percent of such amount to such State or such tribal organization not later than 5 days after the date of such decision.

(b) Setting aside of funds by Assistant Secretary

(1) At the beginning of each fiscal year the Assistant Secretary shall set aside, for payment to States and such tribal organizations under subsection (a) of this section, an amount equal to 2 percent of the total amount appropriated and available to carry out subchapter IV of this chapter.

(2) Amounts set aside under paragraph (1) which are not obligated by the end of the third quarter of any fiscal year shall be made available to carry out subchapter IV of this chapter.

(c) Effect on other laws

Nothing in this section shall be construed to prohibit expenditures by States and such tribal organizations for disaster relief for older individuals in excess of amounts reimbursable under this section, by using funds made available to them under other sections of this chapter or under other provisions of Federal or State law, or from private sources.

(Pub. L. 89-73, title III, §310, as added Pub. L. 95-478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1533; amended Pub. L. 97-115, §§3(d), 11(b)(2), Dec. 29, 1981, 95 Stat. 1597, 1606; Pub. L. 100-707, title I, §109(q), Nov. 23, 1988, 102 Stat. 4709; Pub. L. 102-375, title I, §102(b)(10)(A), title III, §309, Sept. 30, 1992, 106 Stat. 1202, 1235; Pub. L. 103-171, §§2(10), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990; Pub. L. 106-501, title III, §308, Nov. 13, 2000, 114 Stat. 2246.)

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (a)(1), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, as amended, which is classified principally to chapter 68 (§5121 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of this title and Tables.

AMENDMENTS

2000—Subsec. (a)(1). Pub. L. 106-501, §308(1)(A), inserted “(or to any tribal organization receiving a grant under subchapter X of this chapter)” after “any State” and “(or funds used by such tribal organization)” before “for the delivery of supportive services”.

Subsec. (a)(2). Pub. L. 106-501, §308(1)(B), inserted “and such tribal organizations” after “States”.

Subsec. (a)(3). Pub. L. 106-501, §308(1)(C), inserted “or such tribal organization” after “State” in two places.

Subsecs. (b)(1), (c). Pub. L. 106-501, §308(2), inserted “and such tribal organizations” after “States”.

1993—Pub. L. 103-171, §3(a)(13), substituted “Assistant Secretary” for “Commissioner” wherever appearing in subsecs. (a)(1), (3) and (b)(1).

Subsec. (a)(1). Pub. L. 103-171, §2(10), substituted “Robert T. Stafford Disaster Relief and Emergency Assistance Act” for “Disaster Relief and Emergency Assistance Act”.

1992—Subsec. (a)(1). Pub. L. 102-375, §§102(b)(10)(A), 309(1)(A), substituted “area agencies on aging” for “area agencies” and inserted “(and related supplies)” after “supportive services”.

Subsec. (a)(2). Pub. L. 102-375, §309(2), substituted “2 percent” for “5 percent” and “to carry out subchapter IV of this chapter” for “for carrying out the purposes of section 3035a of this title”.

Subsec. (a)(3). Pub. L. 102-375, §309(1)(B), added par. (3).

Subsec. (b)(1). Pub. L. 102-375, §309(2), substituted “2 percent” for “5 percent” and “to carry out subchapter IV of this chapter” for “for carrying out the purposes of section 3035a of this title”.

Subsec. (b)(2). Pub. L. 102-375, §309(2)(B), substituted “to carry out subchapter IV of this chapter” for “for carrying out the purposes of section 3035a of this title”.

1988—Subsec. (a)(1). Pub. L. 100-707 substituted “Disaster Relief and Emergency Assistance Act” for “Disaster Relief Act of 1974”.

1981—Subsec. (a)(1). Pub. L. 97-115, §3(d), substituted “supportive services” for “social services”.

Subsecs. (a)(2), (b)(1), (2). Pub. L. 97-115, §11(b)(2), substituted reference to section 3035a of this title for reference to section 3035b of this title.

EFFECTIVE DATE

Section effective at the close of Sept. 30, 1978, see section 504 of Pub. L. 95-478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

§ 3030a. Nutrition services incentive program

(a) Purpose

The purpose of this section is to provide incentives to encourage and reward effective performance by States and tribal organizations in the efficient delivery of nutritious meals to older individuals.

(b) Allotment and provision and payment

(1) The Secretary shall allot and provide, in accordance with this section, to or on behalf of each State agency with a plan approved under this subchapter for a fiscal year, and to or on behalf of each grantee with an application approved under subchapter X of this chapter for such fiscal year, an amount bearing the same ratio to the total amount appropriated for such fiscal year under subsection (e) of this section as the number of meals served in the State under such plan approved for the preceding fiscal year (or the number of meals served by the title VI [subchapter X] grantee, under such application approved for such preceding fiscal year), bears to the total number of such meals served in all States and by all title VI [subchapter X] grantees under all such plans and applications approved for such preceding fiscal year.

(2) For purposes of paragraph (1), in the case of a grantee that has an application approved under subchapter X of this chapter for a fiscal year but that did not receive assistance under this section for the preceding fiscal year, the number of meals served by the title VI [sub-

chapter X] grantee for the preceding fiscal year shall be deemed to equal the number of meals that the Assistant Secretary estimates will be served by the title VI [subchapter X] grantee in the fiscal year for which the application was approved.

(c) Donation of products

(1) Agricultural commodities (including bonus commodities) and products purchased by the Secretary of Agriculture under section 612c of title 7, shall be donated to a recipient of a grant or contract to be used for providing nutrition services in accordance with the provisions of this subchapter.

(2) The Commodity Credit Corporation shall dispose of food commodities (including bonus commodities) under section 1431 of title 7 by donating them to a recipient of a grant or contract to be used for providing nutrition services in accordance with the provisions of this subchapter.

(3) Dairy products (including bonus commodities) purchased by the Secretary of Agriculture under section 1446a-1 of title 7 shall be used to meet the requirements of programs providing nutrition services in accordance with the provisions of this subchapter.

(4) Among the commodities provided under this subsection, the Secretary of Agriculture shall give special emphasis to foods of high nutritional value to support the health of older individuals. The Secretary of Agriculture, in consultation with the Assistant Secretary, is authorized to prescribe the terms and conditions respecting the provision of commodities under this subsection.

(d) Option to obtain commodities from Secretary of Agriculture

(1) Each State agency and each title VI [subchapter X] grantee shall be entitled to use all or any part of amounts allotted under subsection (b) to obtain, subject to paragraphs (2) and (3), from the Secretary of Agriculture commodities available through any food program of the Department of Agriculture at the rates at which such commodities are valued for purposes of such program.

(2) The Secretary of Agriculture shall determine and report to the Secretary, by such date as the Secretary may require, the amount (if any) of its allotment under subsection (b) which each State agency and title VI [subchapter X] grantee has elected to receive in the form of commodities. Such amount shall include an amount bearing the same ratio to the costs to the Secretary of Agriculture of providing such commodities under this subsection as the value of commodities received by such State agency or title VI [subchapter X] grantee under this subsection bears to the total value of commodities so received.

(3) From the allotment under subsection (b) for each State agency and title VI [subchapter X] grantee, the Secretary shall transfer funds to the Secretary of Agriculture for the costs of commodities received by such State agency or grantee, and expenses related to the procurement of the commodities on behalf of such State agency or grantee, under this subsection, and shall then pay the balance (if any) to such State agency or grantee. The amount of funds trans-

ferred for the expenses related to the procurement of the commodities shall be mutually agreed on by the Secretary and the Secretary of Agriculture. The transfer of funds for the costs of the commodities and the related expenses shall occur in a timely manner after the Secretary of Agriculture submits the corresponding report described in paragraph (2), and shall be subject to the availability of appropriations. Amounts received by the Secretary of Agriculture pursuant to this section to make commodity purchases for a fiscal year for a State agency or title VI [subchapter X] grantee shall remain available, only for the next fiscal year, to make commodity purchases for that State agency or grantee pursuant to this section.

(4) Each State agency and title VI [subchapter X] grantee shall promptly and equitably disburse amounts received under this subsection to recipients of grants and contracts. Such disbursements shall only be used by such recipients of grants or contracts to purchase domestically produced foods for their nutrition projects.

(5) Nothing in this subsection shall be construed to require any State agency or title VI [subchapter X] grantee to elect to receive cash payments under this subsection.

(e) Authorization of appropriations

There are authorized to be appropriated to carry out this section (other than subsection (c)(1) of this section) such sums as may be necessary for fiscal year 2007 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(f) Dissemination of information

In each fiscal year, the Secretary and the Secretary of Agriculture shall jointly disseminate to State agencies, title VI [subchapter X] grantees, area agencies on aging, and providers of nutrition services assisted under this subchapter, information concerning the foods available to such State agencies, title VI [subchapter X] grantees, area agencies on aging, and providers under subsection (c).

(Pub. L. 89-73, title III, §311, as added Pub. L. 95-478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1533; amended Pub. L. 97-115, §9, Dec. 29, 1981, 95 Stat. 1600; Pub. L. 98-459, title III, §310, Oct. 9, 1984, 98 Stat. 1779; Pub. L. 99-269, §2, 3(b), 4, Apr. 1, 1986, 100 Stat. 78; Pub. L. 100-175, title I, §122(c), Nov. 29, 1987, 101 Stat. 933; Pub. L. 102-375, title I, §102(b)(10)(A), title III, §310, Sept. 30, 1992, 106 Stat. 1202, 1236; Pub. L. 103-171, §3(a)(6), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 106-501, title III, §309, Nov. 13, 2000, 114 Stat. 2246; Pub. L. 108-7, div. G, title II, §217(a), Feb. 20, 2003, 117 Stat. 325; Pub. L. 109-365, title III, §309, Oct. 17, 2006, 120 Stat. 2545; Pub. L. 110-19, §2, Apr. 23, 2007, 121 Stat. 84.)

AMENDMENTS

2007—Subsec. (b)(3). Pub. L. 110-19, §2(1), struck out par. (3) which read as follows: “State agencies that elect to make grants and enter into contracts for purposes of this section shall promptly and equitably disburse amounts received under this subsection to the recipients of the grants and contracts.”

Subsec. (d). Pub. L. 110-19, §2(2), amended subsec. (d) generally. Prior to amendment, subsec. (d) related to purchase of commodities and payments to school food authorities.

Subsec. (f). Pub. L. 110-19, §2(3), added subsec. (f) and struck out former subsec. (f). Prior to amendment, text read as follows: “In each fiscal year, the Assistant Secretary and the Secretary of Agriculture shall jointly disseminate to State agencies, area agencies on aging, and providers of nutrition services assisted under this subchapter, information concerning—

“(1) school food authorities participating in programs authorized under the Richard B. Russell National School Lunch Act within the geographic area served by each such State agency, area agency on aging, and provider; and

“(2) the foods available to such State agencies, area agencies on aging, and providers under subsection (c).”

2006—Subsec. (b)(3). Pub. L. 109-365, §309(1), added par. (3).

Subsec. (c)(1), (2). Pub. L. 109-365, §309(2)(A), (B), inserted “(including bonus commodities)” after “commodities”.

Subsec. (c)(3). Pub. L. 109-365, §309(2)(C), inserted “(including bonus commodities)” after “products”.

Subsec. (c)(4). Pub. L. 109-365, §309(2)(D), added par. (4).

Subsec. (d). Pub. L. 109-365, §309(3), amended subsec. (d) generally, substituting provisions relating to purchase of agricultural commodities and payments to a school food authority to obtain commodities for provisions relating to entitlement to obtain commodities, report on amounts elected to be received, reimbursement for costs, disbursement of amounts, and emphasis on high protein foods.

Subsec. (e). Pub. L. 109-365, §309(4), substituted “2007” for “2001”.

Subsec. (f). Pub. L. 109-365, §309(5), substituted “the Assistant Secretary and the Secretary of Agriculture” for “the Secretary of Agriculture and the Secretary of Health and Human Services” in introductory provisions, added pars. (1) and (2), and struck out former pars. (1) and (2) which read as follows:

“(1) the existence of any Federal commodity processing program in which such State agencies, area agencies on aging, and providers may be eligible to participate; and

“(2) the procedures to be followed to participate in the program.”

2003—Subsec. (b). Pub. L. 108-7, §217(a)(1)(A), substituted “and payment” for “of cash or commodities” in heading that had been supplied editorially.

Subsec. (b)(1). Pub. L. 108-7, §217(a)(1)(B), substituted “The Secretary shall allot and provide, in accordance with this section, to or on behalf of each State agency” for “The Secretary of Agriculture shall allot and provide in the form of cash or commodities or a combination thereof (at the discretion of the State) to each State agency” and “to or on behalf of each grantee” for “to each grantee”.

Subsec. (d). Pub. L. 108-7, §217(a)(2)(A), inserted heading.

Subsec. (d)(1). Pub. L. 108-7, §217(a)(2)(B), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “In any case in which a State elects to receive cash payments, the Secretary of Agriculture shall make cash payments to such State in an amount equivalent in value to the donated foods which the State otherwise would have received if such State had retained its commodity distribution.”

Subsec. (d)(2). Pub. L. 108-7, §217(a)(2)(E), added par. (2). Former par. (2) redesignated (4).

Subsec. (d)(3). Pub. L. 108-7, §217(a)(2)(D), (E), added par. (3) and struck out former par. (3) which read as follows: “Nothing in this subsection shall be construed to authorize the Secretary of Agriculture to require any State to elect to receive cash payments under this subsection.”

Subsec. (d)(4). Pub. L. 108-7, §217(a)(2)(F), amended first sentence generally. Prior to amendment, first sentence read as follows: “When such payments are made, the State agency shall promptly and equitably disburse any cash it receives in lieu of commodities to recipients of grants or contracts.”

Pub. L. 108-7, §217(a)(2)(C), redesignated par. (2) as par. (4). Former par. (4) redesignated (5).

Subsec. (d)(5). Pub. L. 108-7, §217(a)(2)(G), which directed the substitution of “provision” for “donation”, was executed by substituting “provision” for “donating”, to reflect the probable intent of Congress.

Pub. L. 108-7, §217(a)(2)(C), redesignated par. (4) as (5). 2000—Pub. L. 106-501, §309(1), in section catchline substituted “Nutrition services incentive program” for “Availability of surplus commodities”.

Subsecs. (a), (b). Pub. L. 106-501, §309(3), added subsecs. (a) and (b). Former subsecs. (a) and (b) redesignated (c) and (d), respectively.

Subsec. (c). Pub. L. 106-501, §309(2), (4), redesignated subsec. (a) as (c) and struck out par. (4) which related to the level of assistance the Secretary of Agriculture was to maintain in donating commodities under this subsection for fiscal years 1992 and 1993 and required the Secretary to give emphasis to high protein foods, meat, and meat alternates. Former subsec. (c) redesignated (e).

Subsec. (d). Pub. L. 106-501, §309(2), redesignated subsec. (b) as (d). Former subsec. (d) redesignated (f).

Subsec. (d)(1). Pub. L. 106-501, §309(5), substituted “In any case in which a State elects to receive cash payments,” for “Notwithstanding any other provision of law, a State may, for purposes of the programs authorized by this chapter, elect to receive cash payments in lieu of donated foods for all or any portion of its project. In any case in which a State makes such an election”.

Subsec. (d)(4). Pub. L. 106-501, §309(6), added par. (4).

Subsec. (e). Pub. L. 106-501, §309(7), added subsec. (e) and struck out former subsec. (e) which authorized appropriations for fiscal years 1992 to 1995 to carry out this section, set a deadline for final reimbursement claims for meals, provided for a reduction of the cents-per-meal level in any fiscal year in which costs exceed amounts authorized, and required adjustment of final reimbursement claims to use the full amount appropriated for a fiscal year.

Pub. L. 106-501, §309(2), redesignated subsec. (c) as (e).

Subsec. (f). Pub. L. 106-501, §309(2), redesignated subsec. (d) as (f).

1993—Subsec. (a)(4)(B). Pub. L. 103-171 substituted “Assistant Secretary for Aging” for “Commissioner”.

1992—Subsec. (a)(4). Pub. L. 102-375, §310(1), designated existing provisions as subpars. (A) and (B) and, in subpar. (A), substituted “shall maintain—” for “shall maintain an annually programmed level of assistance of not less than 56.76 cents per meal during fiscal years 1986 through 1991.” and added cls. (i) and (ii).

Subsec. (c)(1)(A). Pub. L. 102-375, §310(2)(A), substituted “\$250,000,000 for fiscal year 1992, \$310,000,000 for fiscal year 1993, \$380,000,000 for fiscal year 1994, and \$460,000,000 for fiscal year 1995” for “\$151,000,000 for the fiscal year 1988, \$166,000,000 for the fiscal year 1989, \$183,000,000 for the fiscal year 1990, and \$201,000,000 for the fiscal year 1991”.

Subsec. (c)(2). Pub. L. 102-375, §310(2)(B), designated existing provisions as subpar. (A), substituted “Except as provided in subparagraph (B), in” for “In”, and added subpar. (B).

Subsec. (d)(1). Pub. L. 102-375, §102(b)(10)(A), substituted “area agencies on aging” for “area agencies”.

1987—Subsec. (a)(4). Pub. L. 100-175, §122(c)(1), substituted “fiscal years 1986 through 1991” for “fiscal year 1986 and during each fiscal year thereafter” and struck out after first sentence “The amount specified in this paragraph shall be adjusted on an annual basis for each fiscal year after September 30, 1986, to reflect changes in the series for food away from home of the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor. Such adjustment shall be computed to the nearest one-fourth cent.”

Subsec. (c)(1)(A). Pub. L. 100-175, §122(c)(2), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows:

“(i) There are authorized to be appropriated \$144,000,000 for fiscal year 1986 and \$144,000,000 for fiscal

year 1987 to carry out this section (other than subsection (a)(1) of this section).

“(ii) The provisions of the second and third sentences of subsection (a)(4) of this section shall not apply for fiscal years 1986 and 1987.”

1986—Subsec. (a)(4). Pub. L. 99-269, §2, substituted “56.76 cents per meal during fiscal year 1986 and during” for “15 cents per meal during fiscal year 1976, 25 cents per meal during fiscal year 1977 and fiscal year 1978, and 30 cents per meal for” and “September 30, 1986” for “June 30, 1975”.

Subsec. (c)(1)(A). Pub. L. 99-269, §3(b), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “There are authorized to be appropriated \$105,000,000 for fiscal year 1984, \$120,800,000 for fiscal year 1985, \$125,900,000 for fiscal year 1986, and \$132,000,000 for fiscal year 1987, to carry out the provisions of this section (other than the provisions of subsection (a)(1) of this section) and such additional sums as may be necessary for each such fiscal year to maintain the level of reimbursement for the number of meals served under such provisions in fiscal year 1983.”

Subsec. (d). Pub. L. 99-269, §4, added subsec. (d).

1984—Subsec. (a)(4). Pub. L. 98-459, §310(a)(1), (2), substituted “subsection (c) of this section” for “subsection (d) of this section” and “Consumer Price Index for All Urban Consumers” for “Consumer Price Index”.

Subsec. (c). Pub. L. 98-459, §310(b)(1), which directed the amendment of this section by redesignating subsec. (d)(1) as (c)(1), was executed by redesignating subsec. (d) as (c) to reflect the probable intent of Congress.

Subsec. (c)(1). Pub. L. 98-459, §310(b)(2), (3), inserted “(A)” after paragraph designation, struck out therein provisions authorizing appropriations of \$93,200,000 for fiscal year 1982 and \$100,000,000 for fiscal year 1983, inserted provisions authorizing appropriations of \$120,800,000 for fiscal year 1985, \$125,900,000 for fiscal year 1986, and \$132,000,000 for fiscal year 1987, substituted “fiscal year 1983” for “fiscal year 1981” at the end, and added subpar. (B).

Subsec. (c)(2). Pub. L. 98-459, §310(b)(4), substituted “appropriations” for “appropriation”.

Subsec. (d). Pub. L. 98-459, §310(b)(1), redesignated subsec. (d) as (c). See 1984 Amendment note for subsec. (c) above.

1981—Subsec. (a)(4). Pub. L. 97-115, §9(a), substituted “Subject to the authorization of appropriations specified in subsection (d) of this section, in donating” and “30 cents per meal for each fiscal year thereafter” for “In donating” and “30 cents per meal during the three succeeding fiscal years”, respectively.

Subsecs. (b), (c). Pub. L. 97-115, §9(b), redesignated subsec. (c) as (b). Former subsec. (b), providing for the purchase, during fiscal years ending before Oct. 1, 1981, of high protein foods, meats, and meat alternatives by the Secretary of Agriculture for distribution to recipients of grants or contracts to be used for providing nutrition services in accordance with the provisions of this subchapter, was struck out.

Subsec. (d). Pub. L. 97-115, §9(c), added subsec. (d).

EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110-19, §3, Apr. 23, 2007, 121 Stat. 85, provided that:

“(a) IN GENERAL.—The amendments made by section 2 [amending this section] shall take effect beginning with fiscal year 2008.

“(b) APPLICATION PROCESS.—Effective on the date of enactment of this Act [Apr. 23, 2007], the Secretary of Agriculture shall take such actions as will enable State agencies and title VI [subchapter X of this chapter] grantees described in section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) to apply during fiscal year 2007 for allotments under such section for fiscal year 2008.”

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, except not applicable with respect to any area plan sub-

mitted under section 3026(a) of this title or any State plan submitted under section 3027(a) of this title and approved for any fiscal year beginning before Nov. 29, 1987, see section 701(a), (b) of Pub. L. 100-175, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 5 of Pub. L. 99-269 provided that: "This Act and the amendments made by this Act [amending this section and enacting provisions set out as notes under this section and section 3001 of this title] shall take effect on October 1, 1985."

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-459 effective Oct. 9, 1984, see section 803(a) of Pub. L. 98-459, set out as a note under section 3001 of this title.

EFFECTIVE DATE

Section effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95-478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

ESTABLISHMENT OF MAXIMUM RATE OF REIMBURSEMENT TO STATES FOR MEALS; AVAILABILITY OF FUNDS

Pub. L. 104-37, title IV, Oct. 21, 1995, 109 Stat. 324, provided in part: "That hereafter notwithstanding any other provision of law, for meals provided pursuant to the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], a maximum rate of reimbursement to States will be established by the Secretary, subject to reduction if obligations would exceed the amount of available funds, with any unobligated funds to remain available only for obligation in the fiscal year beginning October 1, 1996."

AUTHORIZATION OF APPROPRIATIONS

Pub. L. 99-269, §3(a), Apr. 1, 1986, 100 Stat. 78, authorized appropriations for fiscal year 1985 in order to provide reimbursement at the level of 56.76 cents per meal during fiscal year 1985 determined under subsec. (a)(4) of this section.

§ 3030b. Recapture of payments made for multipurpose senior centers

If, within 10 years after acquisition, or within 20 years after the completion of construction, of any facility for which funds have been paid under this subchapter—

- (1) the owner of the facility ceases to be a public or nonprofit private agency or organization; or
- (2) the facility ceases to be used for the purposes for which it was acquired (unless the Assistant Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

(Pub. L. 89-73, title III, §312, as added Pub. L. 95-478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1534; amended Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Par. (2). Pub. L. 103-171 substituted "Assistant Secretary" for "Commissioner".

EFFECTIVE DATE

Section effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95-478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

§ 3030c. Audit; request for information

(a) The Assistant Secretary and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to a grant or contract received under this subchapter.

(b) State agencies and area agencies on aging shall not request information or data from providers which is not pertinent to services furnished pursuant to this chapter or a payment made for such services.

(Pub. L. 89-73, title III, §313, as added Pub. L. 95-478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1535; amended Pub. L. 98-459, title III, §311, Oct. 9, 1984, 98 Stat. 1779; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-171 substituted "Assistant Secretary" for "Commissioner".

1984—Pub. L. 98-459 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-459 effective Oct. 9, 1984, see section 803(a) of Pub. L. 98-459, set out as a note under section 3001 of this title.

EFFECTIVE DATE

Section effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95-478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

§ 3030c-1. Rights relating to in-home services for frail older individuals

The Assistant Secretary shall require entities that provide in-home services under this subchapter to promote the rights of each older individual who receives such services. Such rights include the following:

(1) The right—

(A) to be fully informed in advance about each in-home service provided by such entity under this subchapter and about any change in such service that may affect the well-being of such individual; and

(B) to participate in planning and changing an in-home service provided under this subchapter by such entity unless such individual is judicially adjudged incompetent.

(2) The right to voice a grievance with respect to such service that is or fails to be so provided, without discrimination or reprisal as a result of voicing such grievance.

(3) The right to confidentiality of records relating to such individual.

(4) The right to have the property of such individual treated with respect.

(5) The right to be fully informed (orally and in writing), in advance of receiving an in-home

service under this subchapter, of such individual's rights and obligations under this subchapter.

(Pub. L. 89-73, title III, §314, as added Pub. L. 102-375, title III, §311, Sept. 30, 1992, 106 Stat. 1237; amended Pub. L. 103-171, §§2(11), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990.)

AMENDMENTS

1993—Pub. L. 103-171 struck out “(a) PROMOTION,—” before “The Assistant” and substituted “Assistant Secretary” for “Commissioner”.

§ 3030c-2. Consumer contributions

(a) Cost sharing

(1) In general

Except as provided in paragraphs (2) and (3), a State is permitted to implement cost sharing for all services funded by this chapter by recipients of the services.

(2) Exception

The State is not permitted to implement the cost sharing described in paragraph (1) for the following services:

(A) Information and assistance, outreach, benefits counseling, or case management services.

(B) Ombudsman, elder abuse prevention, legal assistance, or other consumer protection services.

(C) Congregate and home delivered meals.

(D) Any services delivered through tribal organizations.

(3) Prohibitions

A State or tribal organization shall not permit the cost sharing described in paragraph (1) for any services delivered through tribal organizations. A State shall not permit cost sharing by a low-income older individual if the income of such individual is at or below the Federal poverty line. A State may exclude from cost sharing low-income individuals whose incomes are above the Federal poverty line. A State shall not consider any assets, savings, or other property owned by older individuals when defining low-income individuals who are exempt from cost sharing, when creating a sliding scale for the cost sharing, or when seeking contributions from any older individual.

(4) Payment rates

If a State permits the cost sharing described in paragraph (1), such State shall establish a sliding scale, based solely on individual income and the cost of delivering services.

(5) Requirements

If a State permits the cost sharing described in paragraph (1), such State shall require each area agency on aging in the State to ensure that each service provider involved, and the area agency on aging, will—

(A) protect the privacy and confidentiality of each older individual with respect to the declaration or nondeclaration of individual income and to any share of costs paid or unpaid by an individual;

(B) establish appropriate procedures to safeguard and account for cost share payments;

(C) use each collected cost share payment to expand the service for which such payment was given;

(D) not consider assets, savings, or other property owned by an older individual in determining whether cost sharing is permitted;

(E) not deny any service for which funds are received under this chapter for an older individual due to the income of such individual or such individual's failure to make a cost sharing payment;

(F) determine the eligibility of older individuals to cost share solely by a confidential declaration of income and with no requirement for verification; and

(G) widely distribute State created written materials in languages reflecting the reading abilities of older individuals that describe the criteria for cost sharing, the State's sliding scale, and the mandate described under subparagraph (E).

(6) Waiver

An area agency on aging may request a waiver to the State's cost sharing policies, and the State shall approve such a waiver if the area agency on aging can adequately demonstrate that—

(A) a significant proportion of persons receiving services under this chapter subject to cost sharing in the planning and service area have incomes below the threshold established in State policy; or

(B) cost sharing would be an unreasonable administrative or financial burden upon the area agency on aging.

(b) Voluntary contributions

(1) In general

Voluntary contributions shall be allowed and may be solicited for all services for which funds are received under this chapter if the method of solicitation is noncoercive. Such contributions shall be encouraged for individuals whose self-declared income is at or above 185 percent of the poverty line, at contribution levels based on the actual cost of services.

(2) Local decision

The area agency on aging shall consult with the relevant service providers and older individuals in agency's planning and service area in a State to determine the best method for accepting voluntary contributions under this subsection.

(3) Prohibited acts

The area agency on aging and service providers shall not means test for any service for which contributions are accepted or deny services to any individual who does not contribute to the cost of the service.

(4) Required acts

The area agency on aging shall ensure that each service provider will—

(A) provide each recipient with an opportunity to voluntarily contribute to the cost of the service;

(B) clearly inform each recipient that there is no obligation to contribute and that the contribution is purely voluntary;

(C) protect the privacy and confidentiality of each recipient with respect to the recipient's contribution or lack of contribution;

(D) establish appropriate procedures to safeguard and account for all contributions; and

(E) use all collected contributions to expand the service for which the contributions were given and to supplement (not supplant) funds received under this chapter.

(c) Participation

(1) In general

The State and area agencies on aging, in conducting public hearings on State and area plans, shall solicit the views of older individuals, providers, and other stakeholders on implementation of cost-sharing in the service area or the State.

(2) Plans

Prior to the implementation of cost sharing under subsection (a) of this section, each State and area agency on aging shall develop plans that are designed to ensure that the participation of low-income older individuals (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas) receiving services will not decrease with the implementation of the cost sharing under such subsection.

(d) Evaluation

Not later than 1 year after November 13, 2000, and annually thereafter, the Assistant Secretary shall conduct a comprehensive evaluation of practices for cost sharing to determine its impact on participation rates (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas). If the Assistant Secretary finds that there is a disparate impact upon low-income or minority older individuals or older individuals residing in rural areas in any State or region within the State regarding the provision of services, the Assistant Secretary shall take corrective action to assure that such services are provided to all older individuals without regard to the cost sharing criteria.

(Pub. L. 89-73, title III, §315, as added Pub. L. 106-501, title III, §310, Nov. 13, 2000, 114 Stat. 2247; amended Pub. L. 109-365, title III, §310, Oct. 17, 2006, 120 Stat. 2546.)

CODIFICATION

Pub. L. 106-501, §310, which directed the addition of this section at the end of Part A of title III (42 U.S.C. 3021 et seq.), was executed by adding this section at the end of Part A of title III of the Older Americans Act of 1965 to reflect the probable intent of Congress.

AMENDMENTS

2006—Subsec. (b)(1). Pub. L. 109-365, §310(1)(A), substituted “if” for “provided that” and inserted at end “Such contributions shall be encouraged for individuals whose self-declared income is at or above 185 percent of the poverty line, at contribution levels based on the actual cost of services.”

Subsec. (b)(4)(E). Pub. L. 109-365, §310(1)(B), inserted “and to supplement (not supplant) funds received under this chapter” after “given”.

Subsec. (c)(2). Pub. L. 109-365, §310(2), substituted “(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)” for “(with particular attention to low-income minority individuals and older individuals residing in rural areas)”.

Subsec. (d). Pub. L. 109-365, §310(3), substituted “(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)” for “with particular attention to low-income and minority older individuals and older individuals residing in rural areas”.

§ 3030c-3. Waivers

(a) In general

The Assistant Secretary may waive any of the provisions specified in subsection (b) of this section with respect to a State, upon receiving an application by the State agency containing or accompanied by documentation sufficient to establish, to the satisfaction of the Assistant Secretary, that—

(1) approval of the State legislature has been obtained or is not required with respect to the proposal for which waiver is sought;

(2) the State agency has collaborated with the area agencies on aging in the State and other organizations that would be affected with respect to the proposal for which waiver is sought;

(3) the proposal has been made available for public review and comment, including the opportunity for a public hearing upon request, within the State (and a summary of all of the comments received has been included in the application); and

(4) the State agency has given adequate consideration to the probable positive and negative consequences of approval of the waiver application, and the probable benefits for older individuals can reasonably be expected to outweigh any negative consequences, or particular circumstances in the State otherwise justify the waiver.

(b) Requirements subject to waiver

The provisions of this subchapter that may be waived under this section are—

(1) any provision of sections 3025, 3026, and 3027 of this title requiring statewide uniformity of programs carried out under this subchapter, to the extent necessary to permit demonstrations, in limited areas of a State, of innovative approaches to assist older individuals;

(2) any area plan requirement described in section 3026(a) of this title if granting the waiver will promote innovations or improve service delivery and will not diminish services already provided under this chapter;

(3) any State plan requirement described in section 3027(a) of this title if granting the waiver will promote innovations or improve service delivery and will not diminish services already provided under this chapter;

(4) any restriction under paragraph (5) of section 3028(b) of this title, on the amount

that may be transferred between programs carried out under part B of this subchapter and part C of this subchapter; and

(5) the requirement of section 3029(c) of this title that certain amounts of a State allotment be used for the provision of services, with respect to a State that reduces expenditures under the State plan of the State (but only to the extent that the non-Federal share of the expenditures is not reduced below any minimum specified in section 3024(d) of this title or any other provision of this subchapter).

(c) Duration of waiver

The application by a State agency for a waiver under this section shall include a recommendation as to the duration of the waiver (not to exceed the duration of the State plan of the State). The Assistant Secretary, in granting such a waiver, shall specify the duration of the waiver, which may be the duration recommended by the State agency or such shorter time period as the Assistant Secretary finds to be appropriate.

(d) Reports to Secretary

With respect to each waiver granted under this section, not later than 1 year after the expiration of such waiver, and at any time during the waiver period that the Assistant Secretary may require, the State agency shall prepare and submit to the Assistant Secretary a report evaluating the impact of the waiver on the operation and effectiveness of programs and services provided under this subchapter.

(Pub. L. 89-73, title III, § 316, as added Pub. L. 106-501, title III, § 310, Nov. 13, 2000, 114 Stat. 2249.)

CODIFICATION

Pub. L. 106-501, § 310, which directed the addition of this section at the end of Part A of title III (42 U.S.C. 3021 et seq.), was executed by adding this section at the end of Part A of title III of the Older Americans Act of 1965 to reflect the probable intent of Congress.

PART B—SUPPORTIVE SERVICES

§ 3030d. Grants for supportive services

(a) Grants

The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 3027 of this title for any of the following supportive services:

(1) health (including mental health), education and training, welfare, informational, recreational, homemaker, counseling, or referral services;

(2) transportation services to facilitate access to supportive services or nutrition services, and services provided by an area agency on aging, in conjunction with local transportation service providers, public transportation agencies, and other local government agencies, that result in increased provision of such transportation services for older individuals;

(3) services designed to encourage and assist older individuals to use the facilities and services (including information and assistance services) available to them, including lan-

guage translation services to assist older individuals with limited-English speaking ability to obtain services under this subchapter;

(4) services designed (A) to assist older individuals to obtain adequate housing, including residential repair and renovation projects designed to enable older individuals to maintain their homes in conformity with minimum housing standards; (B) to adapt homes to meet the needs of older individuals who have physical disabilities; (C) to prevent unlawful entry into residences of older individuals, through the installation of security devices and through structural modifications or alterations of such residences; or (D) to assist older individuals in obtaining housing for which assistance is provided under programs of the Department of Housing and Urban Development;

(5) services designed to assist older individuals in avoiding institutionalization and to assist individuals in long-term care institutions who are able to return to their communities, including—

(A) client assessment, case management services, and development and coordination of community services;

(B) supportive activities to meet the special needs of caregivers, including caretakers who provide in-home services to frail older individuals; and

(C) in-home services and other community services, including home health, homemaker, shopping, escort, reader, and letter writing services, to assist older individuals to live independently in a home environment;

(6) services designed to provide to older individuals legal assistance and other counseling services and assistance, including—

(A) tax counseling and assistance, financial counseling, and counseling regarding appropriate health and life insurance coverage;

(B) representation—

(i) of individuals who are wards (or are allegedly incapacitated); and

(ii) in guardianship proceedings of older individuals who seek to become guardians, if other adequate representation is unavailable in the proceedings; and

(C) provision, to older individuals who provide uncompensated care to their adult children with disabilities, of counseling to assist such older individuals with permanency planning for such children;

(7) services designed to enable older individuals to attain and maintain physical and mental well-being through programs of regular physical activity, exercise, music therapy, art therapy, and dance-movement therapy;

(8) services designed to provide health screening (including mental health screening) to detect or prevent illnesses, or both, that occur most frequently in older individuals;

(9) services designed to provide, for older individuals, preretirement counseling and assistance in planning for and assessing future post-retirement needs with regard to public and private insurance, public benefits, lifestyle changes, relocation, legal matters, leisure time, and other appropriate matters;

(10) services of an ombudsman at the State level to receive, investigate, and act on complaints by older individuals who are residents of long-term care facilities and to advocate for the well-being of such individuals;

(11) provision of services and assistive devices (including provision of assistive technology services and assistive technology devices) which are designed to meet the unique needs of older individuals who are disabled, and of older individuals who provide uncompensated care to their adult children with disabilities;

(12) services to encourage the employment of older workers, including job and second career counseling and, where appropriate, job development, referral, and placement, and including the coordination of the services with programs administered by or receiving assistance from the Department of Labor, including programs carried out under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

(13) crime prevention services and victim assistance programs for older individuals;

(14) a program, to be known as "Senior Opportunities and Services", designed to identify and meet the needs of low-income older individuals in one or more of the following areas: (A) development and provision of new volunteer services; (B) effective referral to existing health (including mental health), employment, housing, legal, consumer, transportation, and other services; (C) stimulation and creation of additional services and programs to remedy gaps and deficiencies in presently existing services and programs; and (D) such other services as the Assistant Secretary may determine are necessary or especially appropriate to meet the needs of low-income older individuals and to assure them greater self-sufficiency;

(15) services for the prevention of abuse of older individuals in accordance with subpart III of part A of subchapter XI of this chapter and section 3027(a)(12) of this title;

(16) inservice training and State leadership for legal assistance activities;

(17) health and nutrition education services, including information concerning prevention, diagnosis, treatment, and rehabilitation of age-related diseases and chronic disabling conditions;

(18) services designed to enable mentally impaired older individuals to attain and maintain emotional well-being and independent living through a coordinated system of support services;

(19) services designed to support family members and other persons providing voluntary care to older individuals that need long-term care services;

(20) services designed to provide information and training for individuals who are or may become guardians or representative payees of older individuals, including information on the powers and duties of guardians and representative payees and on alternatives to guardianships;

(21) services to encourage and facilitate regular interaction between students and older individuals, including services for older indi-

viduals with limited English proficiency and visits in long-term care facilities, multipurpose senior centers, and other settings;

(22) in-home services for frail older individuals, including individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and their families, including in-home services defined by a State agency in the State plan submitted under section 3027 of this title, taking into consideration the age, economic need, and noneconomic and nonhealth factors contributing to the frail condition and need for services of the individuals described in this paragraph, and in-home services defined by an area agency on aging in the area plan submitted under section 3026 of this title;

(23) services designed to support States, area agencies on aging, and local service providers in carrying out and coordinating activities for older individuals with respect to mental health services, including outreach for, education concerning, and screening for such services, and referral to such services for treatment;

(24) activities to promote and disseminate information about life-long learning programs, including opportunities for distance learning; and

(25) any other services necessary for the general welfare of older individuals;

if such services meet standards prescribed by the Assistant Secretary and are necessary for the general welfare of older individuals. For purposes of paragraph (5), the term "client assessment through case management" includes providing information relating to assistive technology.

(b) Existing facilities

(1) The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 3027 of this title for the acquisition, alteration, or renovation of existing facilities, including mobile units, and, where appropriate, construction of facilities to serve as multipurpose senior centers.

(2) Funds made available to a State under this part may be used for the purpose of assisting in the operation of multipurpose senior centers and meeting all or part of the costs of compensating professional and technical personnel required for the operation of multipurpose senior centers.

(c) Coordination of services with other providers

In carrying out the provisions of this part, to more efficiently and effectively deliver services to older individuals, each area agency on aging shall coordinate services described in subsection (a) of this section with other community agencies and voluntary organizations providing the same services. In coordinating the services, the area agency on aging shall make efforts to coordinate the services with agencies and organizations carrying out intergenerational programs or projects.

(d) Relationship to other funding sources

Funds made available under this part shall supplement, and not supplant, any Federal, State, or local funds expended by a State or unit

of general purpose local government (including an area agency on aging) to provide services described in subsection (a) of this section.

(Pub. L. 89-73, title III, §321, as added Pub. L. 95-478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1535; amended Pub. L. 97-115, §§3(d), 10(a)-(c), Dec. 29, 1981, 95 Stat. 1597, 1600; Pub. L. 98-459, title III, §312, Oct. 9, 1984, 98 Stat. 1779; Pub. L. 100-175, title I, §§136(d), 146(b), 182(m), Nov. 29, 1987, 101 Stat. 943, 950, 967; Pub. L. 102-375, title III, §312, title VII, §708(b), title IX, §904(a)(15), Sept. 30, 1992, 106 Stat. 1237, 1292, 1308; Pub. L. 103-171, §§2(12), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990; Pub. L. 106-501, title III, §311, title VIII, §801(c)(5), Nov. 13, 2000, 114 Stat. 2251, 2292; Pub. L. 109-365, title III, §311, Oct. 17, 2006, 120 Stat. 2547.)

REFERENCES IN TEXT

The Workforce Investment Act of 1998, referred to in subsec. (a)(12), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended. Title I of the Act is classified principally to chapter 30 (§2801 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

AMENDMENTS

2006—Subsec. (a)(8). Pub. L. 109-365, §311(1), inserted “(including mental health screening)” after “provide health screening”.

Subsec. (a)(11). Pub. L. 109-365, §311(2), substituted “provision of services and assistive devices (including provision of assistive technology services and assistive technology devices)” for “services”.

Subsec. (a)(14)(B). Pub. L. 109-365, §311(3), inserted “(including mental health)” after “existing health”.

Subsec. (a)(21). Pub. L. 109-365, §311(4), substituted “students” for “school-age children” and inserted “services for older individuals with limited English proficiency and” after “including”.

Subsec. (a)(23) to (25). Pub. L. 109-365, §311(5)-(7), added pars. (23) and (24) and redesignated former par. (23) as (25).

2000—Subsec. (a)(2). Pub. L. 106-501, §311(1)(A), substituted “and services provided by an area agency on aging, in conjunction with local transportation service providers, public transportation agencies, and other local government agencies, that result in increased provision of such transportation services for older individuals” for “or both”.

Subsec. (a)(4). Pub. L. 106-501, §311(1)(B), substituted “or (D) to assist older individuals in obtaining housing for which assistance is provided under programs of the Department of Housing and Urban Development;” for “or (D) to receive applications from older individuals for housing under section 1701q of title 12;”.

Subsec. (a)(5). Pub. L. 106-501, §311(1)(C), substituted “including—” and subpars. (A) to (C) for “including client assessment through case management and integration and coordination of community services such as preinstitution evaluation and screening and home health services, homemaker services, shopping services, escort services, reader services, and letter writing services, through resource development and management to assist such individuals to live independently in a home environment;”.

Subsec. (a)(12). Pub. L. 106-501, §311(1)(D), inserted before semicolon at end “, and including the coordination of the services with programs administered by or receiving assistance from the Department of Labor, including programs carried out under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)”.

Subsec. (a)(15). Pub. L. 106-501, §801(c)(5), substituted “section 3027(a)(12)” for “section 3027(a)(16)”.

Subsec. (a)(22). Pub. L. 106-501, §311(1)(E), (F), added par. (22). Former par. (22) redesignated (23).

Subsec. (a)(23). Pub. L. 106-501, §311(1)(G), (H), redesignated par. (22) as (23) and inserted “necessary for the general welfare of older individuals” before semicolon at end.

Subsecs. (c), (d). Pub. L. 106-501, §311(2), added subsecs. (c) and (d).

1993—Subsec. (a). Pub. L. 103-171, §3(a)(13), substituted “Assistant Secretary” for “Commissioner” in introductory and concluding provisions and in par. (14).

Subsec. (a)(15). Pub. L. 103-171, §2(12), which directed amendment of par. (15) by substituting “subpart III of part A of subchapter XI of this chapter and section 3027(a)(16) of this title” for “clause (16) of section 3027(a) of this title”, was executed by making the substitution for “paragraph (16) of section 3027(a) of this title” to reflect the probable intent of Congress and amendment by Pub. L. 102-375, §904(a)(15)(C). See 1992 Amendment note below.

Subsec. (b)(1). Pub. L. 103-171, §3(a)(13), substituted “Assistant Secretary” for “Commissioner”.

1992—Subsec. (a)(3). Pub. L. 102-375, §312(1), (2), inserted “(including information and assistance services)” after “and services” and “, including language translation services to assist older individuals with limited-English speaking ability to obtain services under this subchapter” before semicolon at end.

Subsec. (a)(4)(C). Pub. L. 102-375, §904(a)(15)(A), substituted “residences of older” for “residences of elderly”.

Subsec. (a)(4)(D). Pub. L. 102-375, §312(3), added subpar. (D).

Subsec. (a)(6). Pub. L. 102-375, §312(4), amended par. (6) generally. Prior to amendment, par. (6) read as follows: “services designed to provide legal assistance and other counseling services and assistance, including tax counseling and assistance, financial counseling, and counseling regarding appropriate health and life insurance coverage, to older individuals;”.

Subsec. (a)(7). Pub. L. 102-375, §312(5), substituted “physical activity, exercise, music therapy, art therapy, and dance-movement therapy” for “physical activity and exercise”.

Subsec. (a)(9). Pub. L. 102-375, §312(6), substituted “, for older individuals, preretirement counseling and assistance in planning for and assessing future post-retirement needs with regard to public and private insurance, public benefits, lifestyle changes, relocation, legal matters, leisure time, and other appropriate matters” for “preretirement and second career counseling for older individuals”.

Subsec. (a)(11). Pub. L. 102-375, §312(7), inserted before semicolon at end “, and of older individuals who provide uncompensated care to their adult children with disabilities”.

Subsec. (a)(12). Pub. L. 102-375, §312(8), inserted “and second career” after “including job”.

Subsec. (a)(14). Pub. L. 102-375, §904(a)(15)(B)(i), substituted “low-income older individuals” for “older, poor individuals 60 years of age or older”.

Subsec. (a)(14)(D). Pub. L. 102-375, §904(a)(15)(B)(ii), substituted “low-income older individuals” for “the older poor”.

Subsec. (a)(15). Pub. L. 102-375, §904(a)(15)(C), substituted “paragraph” for “clause”.

Pub. L. 102-375, §708(b), which directed the substitution of “subpart III of part A of subchapter XI of this chapter and section 3027(a)(16) of this title” for “clause (16) of section 3027(a) of this title” in par. (15) of this section could not be executed because this section does not contain a par. (15).

Subsec. (a)(17). Pub. L. 102-375, §312(9), inserted before semicolon at end “, including information concerning prevention, diagnosis, treatment, and rehabilitation of age-related diseases and chronic disabling conditions”.

Subsec. (a)(19) to (22). Pub. L. 102-375, §312(10)-(12), added pars. (19) to (21) and redesignated former par. (19) as (22).

1987—Subsec. (a). Pub. L. 100-175, §146(b), inserted sentence at end defining “client assessment through case management” for purposes of par. (5).

Subsec. (a)(1). Pub. L. 100-175, §136(d)(1), inserted “(including mental health)” after “health”.

Subsec. (a)(4)(B). Pub. L. 100-175, §136(d)(2), substituted “who have physical disabilities” for “suffering from physical disabilities”.

Subsec. (a)(10). Pub. L. 100-175, §182(m), inserted “for” after “advocate”.

1984—Subsec. (a)(5). Pub. L. 98-459, §312(a)(1), in amending par. (5) generally, substituted “services designed to assist older individuals in avoiding institutionalization and to assist individuals in long-term care institutions who are able to return to their communities, including client assessment through case management and integration and coordination of community services such as” for “services designed to assist older individuals in avoiding institutionalization, including” and “and letter writing services, through resource development and management to assist such individuals to live” for “letter writing services, and other similar services designed to assist such individuals to continue living”.

Subsec. (a)(6). Pub. L. 98-459, §312(a)(2), substituted “legal assistance” for “legal services” and “, financial counseling, and counseling regarding appropriate health and life insurance coverage” for “and financial counseling”.

Subsec. (a)(8). Pub. L. 98-459, §312(a)(3), substituted “illnesses” for “illness”.

Subsec. (a)(15) to (19). Pub. L. 98-459, §312(a)(4)-(6), added pars. (15) to (18) and redesignated former par. (15) as (19).

Subsec. (b)(1). Pub. L. 98-459, §312(b)(1), struck out provision that senior centers had to be community facilities for the organization and provision of a broad spectrum of services, including provision of health, social, nutritional, and educational services and provision of facilities for recreational activities for older individuals.

Subsec. (b)(2). Pub. L. 98-459, §312(b)(2), struck out the comma after “may be used” and substituted “centers and meeting” for “centers, to meet”.

1981—Subsec. (a). Pub. L. 97-115, §3(d), substituted “supportive services” for “social services” in provisions preceding par. (1).

Subsec. (a)(1). Pub. L. 97-115, §10(a), substituted “education and training” for “continuing education”.

Subsec. (a)(2). Pub. L. 97-115, §3(d), substituted “supportive services” for “social services”.

Subsec. (a)(4). Pub. L. 97-115, §10(b), designated existing provisions as cls. (A) and (B) and added cl. (C).

Subsec. (a)(12) to (15). Pub. L. 97-115, §10(c), added pars. (12) to (14) and redesignated former par. (12) as (15).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 708(b) of Pub. L. 102-375 inapplicable with respect to fiscal year 1993, see section 4(b) of Pub. L. 103-171, set out as a note under section 3001 of this title.

Amendment by section 708(b) of Pub. L. 102-375 inapplicable with respect to fiscal year 1992, see section 905(b)(6) of Pub. L. 102-375, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, except not applicable with respect to any area plan submitted under section 3026(a) of this title or any State plan submitted under section 3027(a) of this title and approved for any fiscal year beginning before Nov. 29, 1987, see section 701(a), (b) of Pub. L. 100-175, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-459 effective Oct. 9, 1984, see section 803(a) of Pub. L. 98-459, set out as a note under section 3001 of this title.

EFFECTIVE DATE

Part effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95-478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

PART C—NUTRITION SERVICES

§ 3030d-21. Purposes

The purposes of this part are—

- (1) to reduce hunger and food insecurity;
- (2) to promote socialization of older individuals; and
- (3) to promote the health and well-being of older individuals by assisting such individuals to gain access to nutrition and other disease prevention and health promotion services to delay the onset of adverse health conditions resulting from poor nutritional health or sedentary behavior.

(Pub. L. 89-73, title III, §330, as added Pub. L. 109-365, title III, §312, Oct. 17, 2006, 120 Stat. 2547.)

SUBPART I—CONGREGATE NUTRITION SERVICES

§ 3030e. Grants for establishment and operation of nutrition projects

The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 3027 of this title for the establishment and operation of nutrition projects that—

- (1) 5 or more days a week (except in a rural area where such frequency is not feasible (as defined by the Assistant Secretary by regulation) and a lesser frequency is approved by the State agency), provide at least one hot or other appropriate meal per day and any additional meals which the recipient of a grant or contract under this subpart may elect to provide;
- (2) shall be provided in congregate settings, including adult day care facilities and multigenerational meal sites; and
- (3) provide nutrition education, nutrition counseling, and other nutrition services, as appropriate, based on the needs of meal participants.

(Pub. L. 89-73, title III, §331, as added Pub. L. 95-478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1536; amended Pub. L. 102-375, title III, §313, Sept. 30, 1992, 106 Stat. 1238; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 106-501, title III, §312(c), Nov. 13, 2000, 114 Stat. 2252; Pub. L. 109-365, title III, §313, Oct. 17, 2006, 120 Stat. 2548.)

AMENDMENTS

2006—Pub. L. 109-365, §313(1), substituted “projects that—” for “projects—” in introductory provisions.

Par. (1). Pub. L. 109-365, §313(2), struck out “which,” before “5 or more days”.

Par. (2). Pub. L. 109-365, §313(3), struck out “which” before “shall be provided”.

Par. (3). Pub. L. 109-365, §313(4), added par. (3) and struck out former par. (3) which read as follows: “which may include nutrition education services and other appropriate nutrition services for older individuals.”

2000—Par. (2). Pub. L. 106-501 inserted “, including adult day care facilities and multigenerational meal sites” before semicolon.

1993—Pub. L. 103-171 substituted “Assistant Secretary” for “Commissioner” in introductory provisions and par. (1).

1992—Par. (1). Pub. L. 102-375 inserted “(except in a rural area where such frequency is not feasible (as defined by the Commissioner by regulation) and a lesser

frequency is approved by the State agency)” after “week” and struck out before semicolon at end “, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council”.

EFFECTIVE DATE

Subpart effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95-478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

NUTRITION PROJECTS FOR ELDERLY UNDER PRIOR PROVISIONS, QUALIFIED UNDER SUCCESSOR PROVISIONS, ELIGIBLE FOR FUNDS UNDER SUCH PROVISIONS; DISCONTINUANCE OF PAYMENTS FOR INEFFECTIVE ACTIVITIES

Operation of predecessor projects under successor provisions, see section 501(b) of Pub. L. 95-478, set out as a note under section 3045 of this title.

SUBPART II—HOME DELIVERED NUTRITION SERVICES

§ 3030f. Program authorized

The Assistant Secretary shall establish and carry out a program to make grants to States under State plans approved under section 3027 of this title for the establishment and operation of nutrition projects for older individuals that provide—

(1) on 5 or more days a week (except in a rural area where such frequency is not feasible (as defined by the Assistant Secretary by rule) and a lesser frequency is approved by the State agency) at least 1 home delivered meal per day, which may consist of hot, cold, frozen, dried, canned, fresh, or supplemental foods and any additional meals that the recipient of a grant or contract under this subpart elects to provide; and

(2) nutrition education, nutrition counseling, and other nutrition services, as appropriate, based on the needs of meal recipients.

(Pub. L. 89-73, title III, §336, as added Pub. L. 95-478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1536; amended Pub. L. 102-375, title III, §314, Sept. 30, 1992, 106 Stat. 1238; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 109-365, title III, §314, Oct. 17, 2006, 120 Stat. 2548.)

AMENDMENTS

2006—Pub. L. 109-365 amended section generally. Prior to amendment, text read as follows: “The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 3027 of this title for the establishment and operation of nutrition projects for older individuals which, 5 or more days a week (except in a rural area where such frequency is not feasible (as defined by the Assistant Secretary by regulation) and a lesser frequency is approved by the State agency), provide at least one home delivered hot, cold, frozen, dried, canned, or supplemental foods (with a satisfactory storage life) meal per day and any additional meals which the recipient of a grant or contract under this subpart may elect to provide.”

1993—Pub. L. 103-171 substituted “Assistant Secretary” for “Commissioner” in two places.

1992—Pub. L. 102-375 inserted “(except in a rural area where such frequency is not feasible (as defined by the Commissioner by regulation) and a lesser frequency is approved by the State agency)” after “week” and struck out before period at end “, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the

Food and Nutrition Board of the National Academy of Sciences-National Research Council”.

EFFECTIVE DATE

Subpart effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95-478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

§ 3030g. Criteria

The Assistant Secretary, in consultation with recognized experts in the fields of nutrition science, dietetics, meal planning and food service management, and aging, shall develop minimum criteria of efficiency and quality for the furnishing of home delivered meal services for projects described in section 3030f of this title.

(Pub. L. 89-73, title III, §337, as added Pub. L. 95-478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1536; amended Pub. L. 97-115, §10(e), Dec. 29, 1981, 95 Stat. 1601; Pub. L. 100-175, title I, §182(n), Nov. 29, 1987, 101 Stat. 967; Pub. L. 102-375, title III, §315, Sept. 30, 1992, 106 Stat. 1239; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 109-365, title III, §315, Oct. 17, 2006, 120 Stat. 2548.)

AMENDMENTS

2006—Pub. L. 109-365 amended section generally. Prior to amendment, text read as follows: “The Assistant Secretary, in consultation with organizations of and for the aged, blind, and disabled, and with representatives from the American Dietetic Association, the Dietary Managers Association, the National Association of Area Agencies on Aging, the National Association of Nutrition and Aging Services Programs, the National Association of Meals Programs, Incorporated, and any other appropriate group, shall develop minimum criteria of efficiency and quality for the furnishing of home delivered meal services for projects described in section 3030f of this title. The criteria required by this section shall take into account the ability of established home delivered meals programs to continue such services without major alteration in the furnishing of such services.”

1993—Pub. L. 103-171 substituted “Assistant Secretary” for “Commissioner”.

1992—Pub. L. 102-375 inserted “the Dietary Managers Association,” after “Dietetic Association.”

1987—Pub. L. 100-175 substituted “National Association of Area Agencies” for “Association of Area Agencies”.

1981—Pub. L. 97-115 substituted “National Association of Nutrition and Aging Services Programs” for “National Association of Title VII Project Directors”.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, except not applicable with respect to any area plan submitted under section 3026(a) of this title or any State plan submitted under section 3027(a) of this title and approved for any fiscal year beginning before Nov. 29, 1987, see section 701(a), (b) of Pub. L. 100-175, set out as a note under section 3001 of this title.

SUBPART III—GENERAL PROVISIONS

CODIFICATION

Pub. L. 106-501, title III, §312(b), Nov. 13, 2000, 114 Stat. 2252, redesignated subpart IV of this part as subpart III.

PRIOR PROVISIONS

A prior subpart III, consisting of sections 3030g-11 to 3030g-13 of this title, related to school-based meals for volunteer older individuals and multigenerational pro-

grams, prior to repeal by Pub. L. 106-501, title III, §312(a), Nov. 13, 2000, 114 Stat. 2252.

Section 3030g-11, Pub. L. 89-73, title III, §338, as added Pub. L. 102-375, title III, §316(a), Sept. 30, 1992, 106 Stat. 1239; amended Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990, provided for establishment and implementation of the programs.

Section 3030g-12, Pub. L. 89-73, title III, §338A, as added Pub. L. 102-375, title III, §316(a), Sept. 30, 1992, 106 Stat. 1240; amended Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 103-382, title III, §391(r)(1), Oct. 20, 1994, 108 Stat. 4024, described required contents of application and criteria for selection among applicants.

Section 3030g-13, Pub. L. 89-73, title III, §338B, as added Pub. L. 102-375, title III, §316(a), Sept. 30, 1992, 106 Stat. 1240; amended Pub. L. 103-171, §3(a)(11), (13), Dec. 2, 1993, 107 Stat. 1990, required States receiving grants to submit reports evaluating projects.

§ 3030g-21. Nutrition

A State that establishes and operates a nutrition project under this chapter¹ shall—

(1) solicit the expertise of a dietitian or other individual with equivalent education and training in nutrition science, or if such an individual is not available, an individual with comparable expertise in the planning of nutritional services, and

(2) ensure that the project—

(A) provides meals that—

(i) comply with the most recent Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture, and

(ii) provide to each participating older individual—

(I) a minimum of 33½ percent of the dietary reference intakes established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences, if the project provides one meal per day,

(II) a minimum of 66⅔ percent of the allowances if the project provides two meals per day, and

(III) 100 percent of the allowances if the project provides three meals per day, and

(iii) to the maximum extent practicable, are adjusted to meet any special dietary needs of program participants,

(B) provides flexibility to local nutrition providers in designing meals that are appealing to program participants,

(C) encourages providers to enter into contracts that limit the amount of time meals must spend in transit before they are consumed,

(D) where feasible, encourages joint arrangements with schools and other facilities serving meals to children in order to promote intergenerational meal programs,

(E) provides that meals, other than in-home meals, are provided in settings in as close proximity to the majority of eligible older individuals' residences as feasible,

(F) comply² with applicable provisions of State or local laws regarding the safe and

sanitary handling of food, equipment, and supplies used in the storage, preparation, service, and delivery of meals to an older individual,

(G) ensures that meal providers solicit the advice and expertise of—

(i) a dietitian or other individual described in paragraph (1),

(ii) meal participants, and

(iii) other individuals knowledgeable with regard to the needs of older individuals,

(H) ensures that each participating area agency on aging establishes procedures that allow nutrition project administrators the option to offer a meal, on the same basis as meals provided to participating older individuals, to individuals providing volunteer services during the meal hours, and to individuals with disabilities who reside at home with older individuals eligible under this chapter,¹

(I) ensures that nutrition services will be available to older individuals and to their spouses, and may be made available to individuals with disabilities who are not older individuals but who reside in housing facilities occupied primarily by older individuals at which congregate nutrition services are provided,

(J) provides for nutrition screening and nutrition education, and nutrition assessment and counseling if appropriate, and

(K) encourages individuals who distribute nutrition services under subpart II to provide, to homebound older individuals, available medical information approved by health care professionals, such as informational brochures and information on how to get vaccines, including vaccines for influenza, pneumonia, and shingles, in the individuals' communities.

(Pub. L. 89-73, title III, §339, as added Pub. L. 106-501, title III, §313, Nov. 13, 2000, 114 Stat. 2252; amended Pub. L. 109-365, title III, §316, Oct. 17, 2006, 120 Stat. 2548.)

CODIFICATION

Pub. L. 106-501, §313, which directed amendment of subpart 4 of part C of title III of the Older Americans Act of 1965 (Pub. L. 89-73) by striking section 339 and inserting this section, was executed in this subpart, which is subpart 3 of part C of title III of the Act, by repealing prior section 3030g-21, and inserting this section, to reflect the probable intent of Congress and the redesignation of subpart 4 of part C of title III of the Act as subpart 3 by Pub. L. 106-501, §312(b).

PRIOR PROVISIONS

A prior section 3030g-21, Pub. L. 89-73, title III, §339, as added Pub. L. 102-375, title III, §317, Sept. 30, 1992, 106 Stat. 1241, related to compliance with dietary guidelines prior to repeal by Pub. L. 106-501, title III, §313, Nov. 13, 2000, 114 Stat. 2252. See Codification note above.

AMENDMENTS

2006—Par. (1). Pub. L. 109-365, §316(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “solicit the advice of a dietitian or individual with comparable expertise in the planning of nutritional services, and”.

¹ So in original. Title III of Pub. L. 89-73, as amended, contained parts and subparts, but not chapters.

² So in original. Probably should be “complies”.

Par. (2)(A)(i). Pub. L. 109-365, §316(2)(A)(i), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: “comply with the Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture.”

Par. (2)(A)(ii)(I). Pub. L. 109-365, §316(2)(A)(ii), substituted “dietary reference intakes” for “daily recommended dietary allowances as”.

Par. (2)(D). Pub. L. 109-365, §316(2)(B), inserted “joint” after “encourages”.

Par. (2)(G). Pub. L. 109-365, §316(2)(C), amended subpar. (G) generally. Prior to amendment, subpar. (G) read as follows: “ensures that meal providers carry out such project with the advice of dietitians (or individuals with comparable expertise), meal participants, and other individuals knowledgeable with regard to the needs of older individuals.”

Par. (2)(H). Pub. L. 109-365, §316(2)(D), struck out “and accompany” after “home with”.

Par. (2)(J), (K). Pub. L. 109-365, §316(2)(E), (F), added subpars. (J) and (K) and struck out former subpar. (J) which read as follows: “provide for nutrition screening and, where appropriate, for nutrition education and counseling.”

§ 3030g-22. Payment requirement

Payments made by a State agency or an area agency on aging for nutrition services (including meals) provided under part A, B, or C of this subchapter may not be reduced to reflect any increase in the level of assistance provided under section 3030a of this title.

(Pub. L. 89-73, title III, §339A, as added Pub. L. 102-375, title III, §317, Sept. 30, 1992, 106 Stat. 1241.)

PRIOR PROVISIONS

Prior sections 3030h to 3030l were repealed by Pub. L. 106-501, title III, §314(1), Nov. 13, 2000, 114 Stat. 2253.

Section 3030h, Pub. L. 89-73, title III, §341, as added Pub. L. 100-175, title I, §140(d), Nov. 29, 1987, 101 Stat. 945; amended Pub. L. 102-375, title I, §102(b)(6), (10)(C), Sept. 30, 1992, 106 Stat. 1201, 1202; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990, authorized a grant program for States.

Section 3030i, Pub. L. 89-73, title III, §342, as added Pub. L. 100-175, title I, §140(d), Nov. 29, 1987, 101 Stat. 945; amended Pub. L. 102-375, title I, §102(b)(7), title III, §318, Sept. 30, 1992, 106 Stat. 1201, 1241, defined “in-home services”.

Section 3030j, Pub. L. 89-73, title III, §343, as added Pub. L. 100-175, title I, §140(d), Nov. 29, 1987, 101 Stat. 945, provided for the State agency to develop eligibility criteria.

Section 3030k, Pub. L. 89-73, title III, §344, as added Pub. L. 100-175, title I, §140(d), Nov. 29, 1987, 101 Stat. 946, required that funds available under former part D of this subchapter be in addition to funds otherwise expended.

Section 3030l, Pub. L. 89-73, title III, §351, as added Pub. L. 100-175, title I, §141(d), Nov. 29, 1987, 101 Stat. 946; amended Pub. L. 102-375, title VII, §708(a)(2)(C), Sept. 30, 1992, 106 Stat. 1292; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990, authorized program of grants to satisfy special needs of older individuals.

PART D—DISEASE PREVENTION AND HEALTH PROMOTION SERVICES

CODIFICATION

Pub. L. 106-501, title III, §314(2), Nov. 13, 2000, 114 Stat. 2253, redesignated part F of this subchapter as part D.

PRIOR PROVISIONS

A prior part D, consisting of sections 3030h to 3030k of this title, related to in-home services for frail older in-

dividuals, prior to repeal by Pub. L. 106-501, title III, §314(1), Nov. 13, 2000, 114 Stat. 2253. See prior provisions notes under section 3030g-22 of this title.

§ 3030m. Program authorized

(a) Grants to States

The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 3027 of this title to provide disease prevention and health promotion services and information at multipurpose senior centers, at congregate meal sites, through home delivered meals programs, or at other appropriate sites. In carrying out such program, the Assistant Secretary shall consult with the Directors of the Centers for Disease Control and Prevention and the National Institute on Aging.

(b) Community organizations and agencies

The Assistant Secretary shall, to the extent possible, assure that services provided by other community organizations and agencies are used to carry out the provisions of this part.

(c) Improving indoor air quality

The Assistant Secretary shall work in consultation with qualified experts to provide information on methods of improving indoor air quality in buildings where older individuals congregate.

(Pub. L. 89-73, title III, §361, as added Pub. L. 100-175, title I, §143(c), Nov. 29, 1987, 101 Stat. 947; amended Pub. L. 102-375, title III, §319(a), Sept. 30, 1992, 106 Stat. 1241; Pub. L. 103-171, §§2(13), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990; Pub. L. 109-365, title III, §319, Oct. 17, 2006, 120 Stat. 2551.)

AMENDMENTS

2006—Subsec. (c). Pub. L. 109-365 added subsec. (c).

1993—Subsec. (a). Pub. L. 103-171, §§2(13), 3(a)(13), substituted “Assistant Secretary” for “Commissioner” in two places and inserted “and Prevention” after “Control”.

Subsec. (b). Pub. L. 103-171, §3(a)(13), substituted “Assistant Secretary” for “Commissioner”.

1992—Subsec. (a). Pub. L. 102-375, §319(a)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Commissioner shall carry out a program for making grants to States under State plans approved under section 3027 of this title for periodic preventive health services to be provided at senior centers or alternative sites as appropriate.”

Subsecs. (b), (c). Pub. L. 102-375, §319(a)(2), (3), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: “Preventive health services under this part may not include services eligible for reimbursement under Medicare.”

EFFECTIVE DATE

Part effective Oct. 1, 1987, except not applicable with respect to any area plan submitted under section 3026(a) of this title or any State plan submitted under section 3027(a) of this title and approved for any fiscal year beginning before Nov. 29, 1987, see section 701(a), (b) of Pub. L. 100-175, set out as an Effective Date of 1987 Amendment note under section 3001 of this title.

§ 3030n. Distribution to area agencies on aging

The State agency shall give priority, in carrying out this part, to areas of the State—

- (1) which are medically underserved; and
- (2) in which there are a large number of older individuals who have the greatest economic need for such services.

(Pub. L. 89-73, title III, §362, as added Pub. L. 100-175, title I, §143(c), Nov. 29, 1987, 101 Stat. 948; amended Pub. L. 102-375, title I, §102(b)(10)(G), Sept. 30, 1992, 106 Stat. 1202.)

PRIOR PROVISIONS

Prior sections 3030o to 3030r were repealed by Pub. L. 106-501, title III, §§315, 316(1), Nov. 13, 2000, 114 Stat. 2253.

Section 3030o, Pub. L. 89-73, title III, §363, as added Pub. L. 100-175, title I, §143(c), Nov. 29, 1987, 101 Stat. 948; amended Pub. L. 102-375, title III, §319(b), Sept. 30, 1992, 106 Stat. 1242; Pub. L. 103-382, title III, §391(r)(2), Oct. 20, 1994, 108 Stat. 4024, defined “disease prevention and health promotion services”.

Section 3030p, Pub. L. 89-73, title III, §381, as added Pub. L. 102-375, title III, §320, Sept. 30, 1992, 106 Stat. 1243; amended Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990, authorized grant program for States to provide supportive activities for caretakers who provide in-home services to frail older individuals.

Another prior section 3030p, Pub. L. 89-73, title III, §371, as added Pub. L. 100-175, title I, §144(e), Nov. 29, 1987, 101 Stat. 949, authorized program for prevention of abuse, neglect and exploitation of older individuals, prior to the general amendment of former part G of this subchapter by section 320 of Pub. L. 102-375.

Section 3030q, Pub. L. 89-73, title III, §382, as added Pub. L. 102-375, title III, §320, Sept. 30, 1992, 106 Stat. 1243, defined “in-home services”.

Section 3030r, Pub. L. 89-73, title III, §383, as added Pub. L. 102-375, title III, §320, Sept. 30, 1992, 106 Stat. 1243, required that funds available under former part G of this subchapter be in addition to funds otherwise expended.

AMENDMENTS

1992—Pub. L. 102-375 substituted “area agencies on aging” for “area agencies” in section catchline.

PART E—NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM

PRIOR PROVISIONS

A prior part E, consisting of section 3030l of this title, related to authorization of grant program for States to provide additional assistance for special needs of older individuals, prior to repeal by Pub. L. 106-501, title III, §314(1), Nov. 13, 2000, 114 Stat. 2253. See Prior Provisions note set out under section 3030g-22 of this title.

A prior part F of this subchapter, consisting of sections 3030m to 3030o of this title, was redesignated part D of this subchapter.

A prior part G of this subchapter consisting of sections 3030p to 3030r of this title, related to supportive activities for caretakers who provide in-home services to frail older individuals, prior to repeal by Pub. L. 106-501, title III, §316(1), Nov. 13, 2000, 114 Stat. 2253. See Prior Provisions notes set out under section 3030n of this title.

SUBPART I—CAREGIVER SUPPORT PROGRAM

§ 3030s. Definitions

(a) In general

In this subpart:

(1) Child

The term “child” means an individual who is not more than 18 years of age or who is an individual with a disability.

(2) Grandparent or older individual who is a relative caregiver

The term “grandparent or older individual who is a relative caregiver” means a grandparent or stepgrandparent of a child, or a rela-

ative of a child by blood, marriage, or adoption, who is 55 years of age or older and—

(A) lives with the child;

(B) is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and

(C) has a legal relationship to the child, as such legal custody or guardianship, or is raising the child informally.

(b) Rule

In providing services under this subpart—

(1) for family caregivers who provide care for individuals with Alzheimer’s disease and related disorders with neurological and organic brain dysfunction, the State involved shall give priority to caregivers who provide care for older individuals with such disease or disorder; and

(2) for grandparents or older individuals who are relative caregivers, the State involved shall give priority to caregivers who provide care for children with severe disabilities.

(Pub. L. 89-73, title III, §372, as added Pub. L. 106-501, title III, §316(2), Nov. 13, 2000, 114 Stat. 2254; amended Pub. L. 109-365, title III, §320, Oct. 17, 2006, 120 Stat. 2551.)

AMENDMENTS

2006—Pub. L. 109-365 designated existing provisions as subsec. (a) and inserted heading, inserted “or who is an individual with a disability” after “age” in par. (1), substituted “a child by blood, marriage, or adoption” for “a child by blood or marriage” and “55 years” for “60 years” in par. (3), redesignated par. (3) as (2), struck out former par. (2) which defined term “family caregiver”, and added subsec. (b).

SHORT TITLE

For short title of this part as the “National Family Caregiver Support Act”, see section 371 of Pub. L. 89-73, set out as a Short Title note under section 3001 of this title.

§ 3030s-1. Program authorized

(a) In general

The Assistant Secretary shall carry out a program for making grants to States with State plans approved under section 3027 of this title, to pay for the Federal share of the cost of carrying out State programs, to enable area agencies on aging, or entities that such area agencies on aging contract with, to provide multifaceted systems of support services—

(1) for family caregivers; and

(2) for grandparents or older individuals who are relative caregivers.

(b) Support services

The services provided, in a State program under subsection (a) of this section, by an area agency on aging, or entity that such agency has contracted with, shall include—

(1) information to caregivers about available services;

(2) assistance to caregivers in gaining access to the services;

(3) individual counseling, organization of support groups, and caregiver training to assist the caregivers in the areas of health, nutrition, and financial literacy, and in making

decisions and solving problems relating to their caregiving roles;

(4) respite care to enable caregivers to be temporarily relieved from their caregiving responsibilities; and

(5) supplemental services, on a limited basis, to complement the care provided by caregivers.

(c) Population served; priority

(1) Population served

Services under a State program under this subpart shall be provided to family caregivers, and grandparents and older individuals who are relative caregivers, and who—

(A) are described in paragraph (1) or (2) of subsection (a) of this section; and

(B) with regard to the services specified in paragraphs (4) and (5) of subsection (b) of this section, in the case of a caregiver described in paragraph (1), is providing care to an older individual who meets the condition specified in subparagraph (A)(i) or (B) of section 3002(22) of this title.

(2) Priority

In providing services under this subpart, the State, in addition to giving the priority described in section 3030s(b) of this title, shall give priority—

(A) to caregivers who are older individuals with greatest social need, and older individuals with greatest economic need (with particular attention to low-income older individuals); and

(B) to older individuals providing care to individuals with severe disabilities, including children with severe disabilities.

(d) Use of volunteers

In carrying out this subpart, each area agency on aging shall make use of trained volunteers to expand the provision of the available services described in subsection (b) and, if possible, work in coordination with organizations that have experience in providing training, placement, and stipends for volunteers or participants (such as organizations carrying out Federal service programs administered by the Corporation for National and Community Service), in community service settings.

(e) Quality standards and mechanisms and accountability

(1) Quality standards and mechanisms

The State shall establish standards and mechanisms designed to assure the quality of services provided with assistance made available under this subpart.

(2) Data and records

The State shall collect data and maintain records relating to the State program in a standardized format specified by the Assistant Secretary. The State shall furnish the records to the Assistant Secretary, at such time as the Assistant Secretary may require, in order to enable the Assistant Secretary to monitor State program administration and compliance, and to evaluate and compare the effectiveness of the State programs.

(3) Reports

The State shall prepare and submit to the Assistant Secretary reports on the data and

records required under paragraph (2), including information on the services funded under this subpart, and standards and mechanisms by which the quality of the services shall be assured. The reports shall describe any mechanisms used in the State to provide to persons who are family caregivers, or grandparents or older individuals who are relative caregivers, information about and access to various services so that the persons can better carry out their care responsibilities.

(f) Caregiver allotment

(1) In general

(A) From sums appropriated under section 3023(e) of this title for fiscal years 2007, 2008, 2009, 2010, and 2011, the Assistant Secretary shall allot amounts among the States proportionately based on the population of individuals 70 years of age or older in the States.

(B) In determining the amounts allotted to States from the sums appropriated under section 3023 of this title for a fiscal year, the Assistant Secretary shall first determine the amount allotted to each State under subparagraph (A) and then proportionately adjust such amounts, if necessary, to meet the requirements of paragraph (2).

(C) The number of individuals 70 years of age or older in any State and in all States shall be determined by the Assistant Secretary on the basis of the most recent data available from the Bureau of the Census and other reliable demographic data satisfactory to the Assistant Secretary.

(2) Minimum allotment

(A) The amounts allotted under paragraph (1) shall be reduced proportionately to the extent necessary to increase other allotments under such paragraph to achieve the amounts described in subparagraph (B).

(B)(i) Each State shall be allotted $\frac{1}{2}$ of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

(ii) Guam and the Virgin Islands of the United States shall each be allotted $\frac{1}{4}$ of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

(iii) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted $\frac{1}{16}$ of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

(C) For the purposes of subparagraph (B)(i), the term “State” does not include Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

(g) Availability of funds

(1) Use of funds for administration of area plans

Amounts made available to a State to carry out the State program under this subpart may be used, in addition to amounts available in accordance with section 3023(c)(1) of this title, for costs of administration of area plans.

(2) Federal share

(A) In general

Notwithstanding section 3024(d)(1)(D) of this title, the Federal share of the cost of

carrying out a State program under this subpart shall be 75 percent.

(B) Non-Federal share

The non-Federal share of the cost shall be provided from State and local sources.

(C) Limitation

A State may use not more than 10 percent of the total Federal and non-Federal share available to the State to provide support services to grandparents and older individuals who are relative caregivers of a child who is not more than 18 years of age.

(Pub. L. 89-73, title III, §373, as added Pub. L. 106-501, title III, §316(2), Nov. 13, 2000, 114 Stat. 2254; amended Pub. L. 109-365, title III, §321, Oct. 17, 2006, 120 Stat. 2551.)

AMENDMENTS

2006—Subsec. (b)(3). Pub. L. 109-365, §321(1), substituted “assist the caregivers in the areas of health, nutrition, and financial literacy, and in making decisions and solving problems relating to their caregiving roles;” for “caregivers to assist the caregivers in making decisions and solving problems relating to their caregiving roles;”.

Subsec. (c)(1)(B). Pub. L. 109-365, §321(2)(A), substituted “subparagraph (A)(i) or (B) of section 3002(22)” for “subparagraph (A)(i) or (B) of section 3002(28)”.

Subsec. (c)(2). Pub. L. 109-365, §321(2)(B), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “In providing services under this subpart, the State shall give priority for services to older individuals with greatest social and economic need, (with particular attention to low-income older individuals) and older individuals providing care and support to persons with mental retardation and related developmental disabilities (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001)) (referred to in this subpart as ‘developmental disabilities’).”

Subsec. (d). Pub. L. 109-365, §321(3), amended subsec. (d) generally. Prior to amendment, text read as follows: “In carrying out this subpart, each area agency on aging shall coordinate the activities of the agency, or entity that such agency has contracted with, with the activities of other community agencies and voluntary organizations providing the types of services described in subsection (b) of this section.”

Subsec. (e)(3). Pub. L. 109-365, §321(4), inserted at end “The reports shall describe any mechanisms used in the State to provide to persons who are family caregivers, or grandparents or older individuals who are relative caregivers, information about and access to various services so that the persons can better carry out their care responsibilities.”

Subsec. (f)(1)(A). Pub. L. 109-365, §321(5), substituted “2007, 2008, 2009, 2010, and 2011” for “2001 through 2005”.

Subsec. (g)(2)(C). Pub. L. 109-365, §321(6), inserted “of a child who is not more than 18 years of age” before period at end.

§ 3030s-2. Maintenance of effort

Funds made available under this subpart shall supplement, and not supplant, any Federal, State, or local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide services described in section 3030s-1 of this title.

(Pub. L. 89-73, title III, §374, as added Pub. L. 106-501, title III, §316(2), Nov. 13, 2000, 114 Stat. 2256.)

SUBPART II—NATIONAL INNOVATION PROGRAMS

§§ 3030s-11, 3030s-12. Repealed. Pub. L. 109-365, title III, §322, Oct. 17, 2006, 120 Stat. 2552

Section 3030s-11, Pub. L. 89-73, title III, §375, as added Pub. L. 106-501, title III, §316(2), Nov. 13, 2000, 114 Stat. 2256, provided for an innovation grant program.

Section 3030s-12, Pub. L. 89-73, title III, §376, as added Pub. L. 106-501, title III, §316(2), Nov. 13, 2000, 114 Stat. 2257, directed Assistant Secretary to carry out activities of national significance to promote quality and continuous improvement in the support provided to family and other informal caregivers of older individuals.

SUBCHAPTER IV—ACTIVITIES FOR HEALTH, INDEPENDENCE, AND LONGEVITY

CODIFICATION

Title IV of the Older Americans Act of 1965, comprising this subchapter, was originally enacted by Pub. L. 89-73, title IV, as added Pub. L. 93-29, title IV, §401, May 3, 1973, 87 Stat. 45, and amended by Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 717; Pub. L. 95-478, Oct. 18, 1978, 92 Stat. 1537; Pub. L. 97-115, §11(a), Dec. 29, 1981, 95 Stat. 1601. Such title is shown herein, however, as having been added by Pub. L. 106-501, title IV, §401, Nov. 13, 2000, 114 Stat. 2257, without reference to such intervening amendments because of the extensive revision of the title’s provisions by Pub. L. 106-501.

Prior sections 3030aa to 3030jj were omitted in the general amendment of this subchapter by Pub. L. 106-501.

A prior section 3030aa, Pub. L. 89-73, title IV, §401, as added Pub. L. 98-459, title IV, §401, Oct. 9, 1984, 98 Stat. 1780; amended Pub. L. 100-175, title I, §151, Nov. 29, 1987, 101 Stat. 951; Pub. L. 102-375, title IV, §401, Sept. 30, 1992, 106 Stat. 1243, related to statement of purpose of this subchapter.

A prior section 3030bb, Pub. L. 89-73, title IV, §402, as added Pub. L. 98-459, title IV, §401, Oct. 9, 1984, 98 Stat. 1781; amended Pub. L. 100-175, title I, §§104(d), 105(d), 134(c)(1), Nov. 29, 1987, 101 Stat. 930, 941; Pub. L. 102-54, §13(q)(9)(C), June 13, 1991, 105 Stat. 281; Pub. L. 102-321, title I, §163(c)(2)(C), July 10, 1992, 106 Stat. 377; Pub. L. 102-375, title I, §102(b)(1)(A), title IV, §402, title IX, §904(a)(16), Sept. 30, 1992, 106 Stat. 1200, 1244, 1308; Pub. L. 103-171, §§2(14), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990, related to administration.

A prior section 3030jj, Pub. L. 89-73, title IV, §410, as added Pub. L. 98-459, title IV, §402, Oct. 9, 1984, 98 Stat. 1781; amended Pub. L. 100-175, title I, §134(c)(2), Nov. 29, 1987, 101 Stat. 941; Pub. L. 102-375, title IV, §403, Sept. 30, 1992, 106 Stat. 1244, related to purpose of former part A of this subchapter.

§ 3031. Purposes

The purposes of this subchapter are—

(1) to expand the Nation’s knowledge and understanding of the older population and the aging process;

(2) to design, test, and promote the use of innovative ideas and best practices in programs and services for older individuals;

(3) to help meet the needs for trained personnel in the field of aging; and

(4) to increase awareness of citizens of all ages of the need to assume personal responsibility for their own longevity.

(Pub. L. 89-73, title IV, §401, as added Pub. L. 106-501, title IV, §401, Nov. 13, 2000, 114 Stat. 2257.)

PRIOR PROVISIONS

A prior section 3031, Pub. L. 89-73, title IV, §411, as added Pub. L. 97-115, §11(a), Dec. 29, 1981, 95 Stat. 1601;